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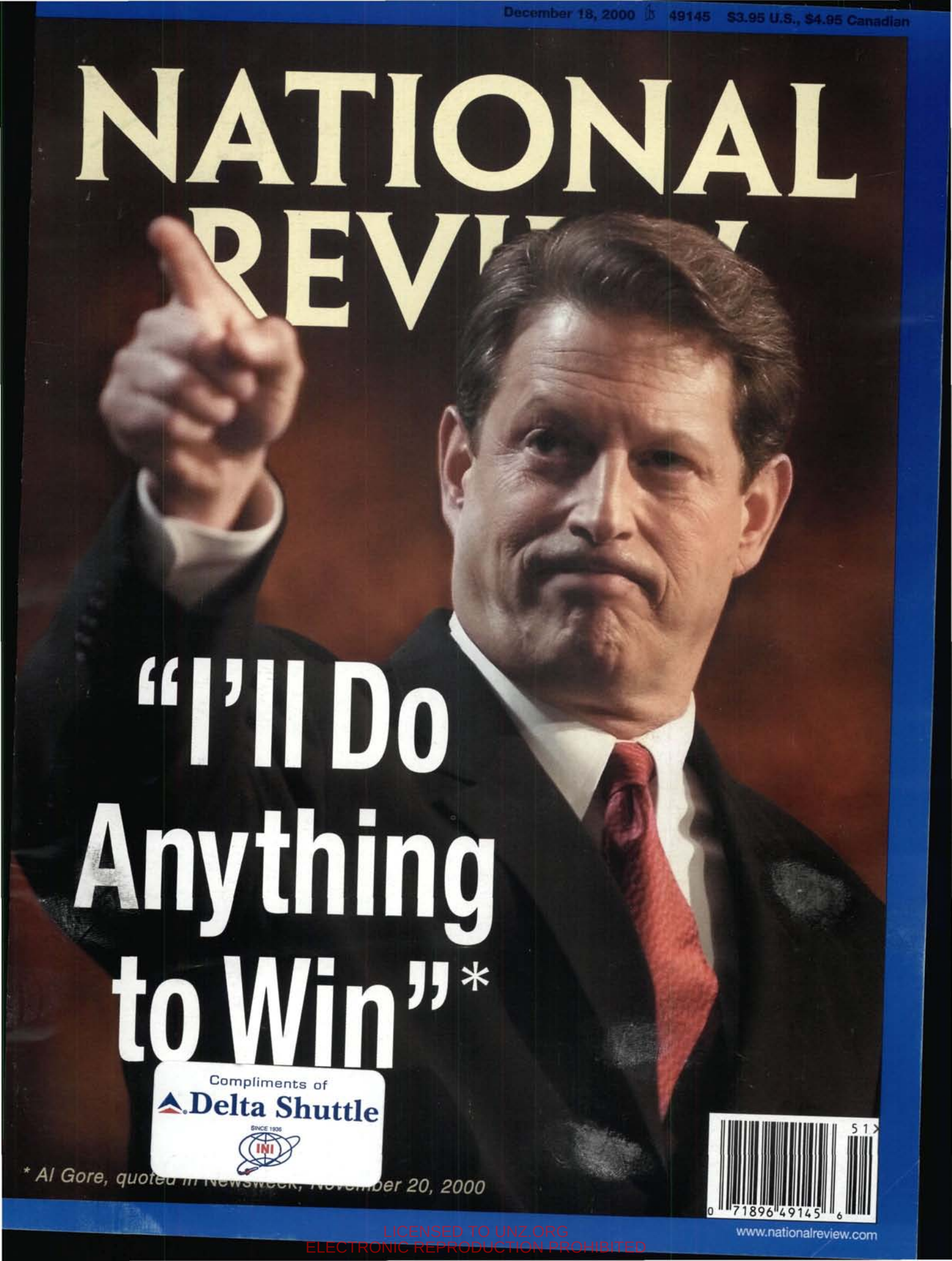

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* Al Gore, quoted in Newsweek, November 20, 2000

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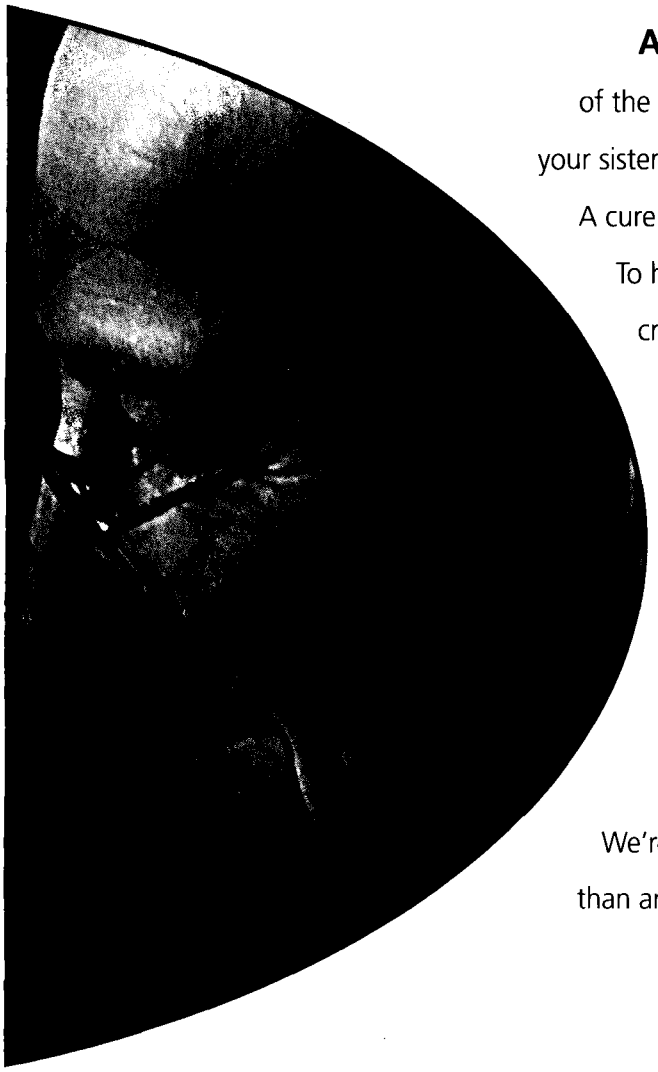
TOMORROW'S CURES



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■ LETTERS ■

ANTHRO 101

John J. Miller's story on Patrick Tierney's book, *Darkness in El Dorado* ("The Fierce People," Nov. 20), makes a number of false statements about the book and my relationship to it.

I told Miller that while I do not agree with Tierney on all points, I nevertheless think that by far the greater part of Tierney's account is valid. Miller twists this into saying that I am "now busy distancing myself from Tierney." Not so. On the contrary, I endorse Tierney's book as a great service to anthropology. Despite its occasional excesses, it succeeds in illuminating one of the darkest chapters in the history of the field, one fraught with implications for the ethics as well as the results of ethnographic research.

Miller also asserts that I am now trying to "disown" the letter I wrote with my colleague, Leslie Sponsel, to the leaders of the American Anthropological Association, warning them of the scandal that Tierney's book would arouse. Not so. I stand by the letter for what it is: a summary account of Tierney's allegations and a prediction of the public outcry they would arouse. The allegations our letter describes are not ours but Tierney's. Contrary to what Miller says, they are not our claims to "disown," and I have no problem "owning up" to what I've said about them.

As an example of the book's valuable contributions, I referred Miller to Chapter Ten, which reveals how Professor Chagnon manipulated his data and obscured how he had done so by identifying the communities he discussed only by numbers, making it virtually impossible to identify them with the villages he elsewhere had described and identified by their names. Miller attempts to ridicule Tierney's analysis by asserting that Chagnon actually gave the names of the numbered villages in a footnote, thus rendering Tierney's laborious analytical struggle to establish their identity superfluous. There is, however, no such footnote in the article in question (in *Science*, vol. 239, 1988, 985-992). There is a table in the text of the *Science* article, which Miller seems to have mistaken for a footnote, in which Chagnon lists the villages but only by number, giving no clue to their names—the problem that Tierney overcame by his analytical tour de force. Miller should have checked the "footnotes" himself before putting his foot so confidently in his mouth.

Terence Turner
Cornell University
Ithaca, N.Y.

MILLER RESPONDS: *Professor Turner hasn't backed off from supporting Patrick Tierney's wild accusation that American scientists started a measles epidemic among the Yanomamo? His own letter to* NR *is evidence of it. The hysterical memo he wrote with Leslie Sponsel in September makes no mention of Tierney's "occasional excesses"; it's too busy equating Napoleon Chagnon with Josef Mengele. And let's not forget the nature of those "occasional excesses": They are spectacularly wrong accusations about respected scholars waging "ethnocide" against a primitive tribe. Turner also seems to have overlooked the letter he wrote on Sept. 28 to Samuel Katz, a vaccine expert who has convincingly refuted Tierney's claims: "Checking the veracity of [Tierney's] allegations for ourselves was not germane to the immediate and limited purpose of the memo." "Now that I have had a chance to research the matter myself, I am in complete agreement with you." That's a huge concession. If anything, Turner's concerns about* Darkness in El Dorado *should have grown since my article appeared in print. On Nov. 9, National Academy of Sciences president Bruce Alberts took the rather unusual step of denouncing Tierney's book: "The factual errors and innuendos in his book do a great disservice to a great scientist and to science itself." And regarding Chapter Ten: I did not write that Chagnon names the villages in his* Science *article; they appear elsewhere, in two separate sources that Tierney cites in his own bibliography.*

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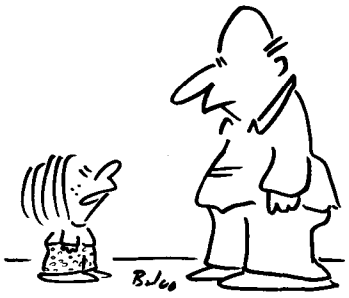
■ FOR THE RECORD ■

■ Florida certifies the victory of **George W. Bush** by 537 votes, out of nearly 6 million cast. . . . "I won the vote in Florida," says Bush. "I believe that some are determined to keep counting in an effort to change the legitimate result." . . . Vice President **Gore**, in *Washington Post*: "You may mock the dimpled ballots, but I call them votes." . . . In *Washington Post*/ABC News poll, 60 percent believe Gore should stand down. . . . Sen. **Robert Torricelli** (D., N.J.): "My personal view is that it is increasingly likely the public is going to want this election brought to a close." . . . "We have a winner tonight, and we have a loser tonight," says **Bob Crawford**, Democratic member of Florida election board, on night of certification. "Both sides have enough legal talent to keep this tied up through Christmas. But the one thing the lawyers can't do for us, and the one thing the courts can't do for us: They can't bring this country together again." . . . **James Baker**: "At some point, there must be closure. At some point, the law must prevail and the lawyers must go home. We have reached that point."

■ As Republicans urge Gore to concede following Florida certification, vice president tells *New York Times*, "I have had Republicans advise me to [hang in], and I feel that I would betray their confidence in ways that would hurt them measurably if I identified them publicly." . . . Gore promises, if elected, to appoint Republicans to Cabinet. . . . Rep. **Connie Morella** (R., Md.) says she'd be "obligated" to vote for Gore if presidential election comes to House, because that's how her district voted. . . . Sen. **John Kerry** (D., Mass.), on Gore, in *Washington Post*: "What's driving him is his belief that if the votes are properly counted, he has won." . . . Top Democratic donor **Peter Buttenwieser**, in *Los Angeles Times*: "My own feeling is that Gore had a really terrific chance to win, and I think he squandered that chance." . . . San Francisco mayor **Willie Brown**, who described Gore–Bush race as choice between "the insufferable and the incompetent," tells *San Francisco Chronicle*: "George Bush is going to be the next president, and he's going to regret he ever won. . . . Just as Al Gore would have regretted having won." . . . *Washington Post* columnist **Richard Cohen**: "I voted for Gore because he was the better man for the job. I can't help thinking that he no longer is." . . . Chant of Republican protesters outside of vice president's mansion: "Get out of **Cheney**'s house!"

■ Oklahoma governor **Frank Keating** (R.), on Florida canvassing boards calling dimpled ballots for Gore, in *Washington Post*: "They are not only deciding the intent of the voter, they are voting for the voter." . . . GOP attorney **William Scherer**, to Broward County election-board Democrat **Robert Lee**: "You're trolling for votes here because it's clear that you can't win this election." . . . South Dakota governor **Bill Janklow** (R.), in *New York Times*: "They're going to steal the election. We all know it." . . . Rep. **John Sweeney** (R., N.Y.): "Miami-Dade has become ground zero for producing a manufactured vote." . . . **Joe Lieberman**, responding to Republicans protesting hand recount in Miami-Dade County: "This is a time to honor the rule of law, not surrender to the rule of the mob. This is a time for patience and respect, not intimidation and violence." . . . "I was not intimidated by that protest," says Miami-Dade election chief **David Leahy**, in *Los Angeles Times*. "If I had viewed it as an ugly mob trying to destroy something, I would have been concerned."



"'A penny saved is a penny earned'? Surely not in this tax structure!"

■ President **Clinton**, on arriving in Vietnam: "I'm glad to be here." . . . Clinton, on President **Johnson**'s conduct of the Vietnam War: "I see now how hard it was for him. I believe he did what he thought was right under the circumstances." . . . Clinton, on **Hillary Clinton**'s proposal to eliminate Electoral College, in *New York Post*: "I have mixed feelings about it." . . . In *Wall Street Journal*/Federalist Society ranking of presidents, **Ronald Reagan** comes in 8th, **George Bush** 21st, and Clinton 24th. . . . Clinton preparing to impose "an avalanche of regulations" before leaving office, reports *Los Angeles Times*, and is on track to add 29,000 pages to *Federal Register* in final three months of term, says Mercatus Institute.

■ **Michael Dukakis** discussing possibility of **Ralph Nader** costing Gore on election night, according to *American Prospect*: "I'll strangle the guy with my bare hands." . . . **Dick Gephardt**, on Democrats' failure to capture the House, in *National Journal*: "I'm not ready to analyze that because I'm not smart enough." . . . Democrat **Maria Cantwell**'s victory over Sen. **Slade Gorton** (R., Wash.) by 1,953 votes (out of 2.4 million cast) means a divided Senate, with 50 Democrats and 50 Republicans. . . . Former Los Alamos scientist **Wen Ho Lee** plans autobiography, and TV miniseries also in works.

■ Grave of U-2 pilot Maj. **Eugene E. Posa**, shot down in 1960, may soon be located in Russia, say Pentagon investigators. . . . Defense ministers pledge to create force of 60,000 ground troops for European Union by 2003.

■ From an e-mail zipping around the Internet: "To the citizens of the United States of America, in the light of your failure to elect a President of the USA and thus to govern yourselves, we hereby give notice of the revocation of your independence, effective today. Her Sovereign Majesty **Queen Elizabeth II** will resume monarchical duties over all states, commonwealths and other territories. Except Utah, which she does not fancy." **NR**

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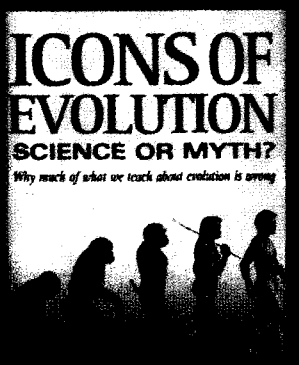

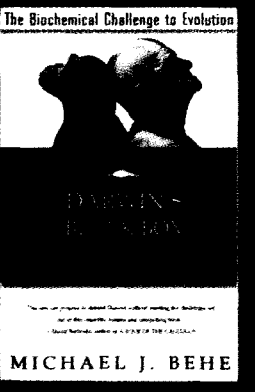

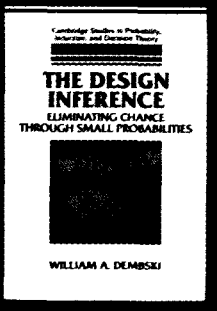

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THE WEEK

■ Making the rounds: Joe Lieberman? All yarmulke, no Torah.

■ Writers of political science fiction spinning out endgame scenarios often assume, as a premise, the existence of independent Democrats. Maybe the Democrat-dominated Florida supreme court will rule this way, or a 50–50 split U.S. Senate will vote that way. If the impeachment saga is a guide, those Democrats will be as scarce as yeti when it comes to the crunch. Remember Sen. Moynihan, the Senate's scholar, well known to dislike President Clinton? Sen. Byrd, sturdy old keeper of the Senate's traditions? Sen. Lieberman? All voted the party line. If past is prologue, look for the Democrats' motto to be *E pluribus unum*—which, as Vice President Gore will now know, means "Out of many, one."

■ The Gore campaign's well-publicized efforts to disqualify overseas military ballots apparently escaped the attention of the federal agency charged with protecting the rights of military voters. The Department of Justice has ignored the evidence that military ballots were systematically targeted for disqualification by Democrats. In Florida counties carried by Gore, 60 percent of overseas ballots were rejected, while only 29 percent were disqualified in counties where Bush prevailed. Florida is under a federal consent decree owing to the state's past mistreatment of overseas voters. Unlike her predecessors, Janet Reno has been derelict in her duty to protect their rights. Add it to the list—Reno Dereliction of Duty, Number 93.

■ Duly noted: When Democrats strained to disallow every possible military absentee ballot in Florida, when the balance of the election potentially hinged on those ballots, when Republicans fought back in a way that accorded with their general defense of the institutions and the culture of the military . . . John McCain was nowhere to be found.

■ In the words of the old spiritual, more or less: "O Lieberman, where you gonna run to / On that judgment day?" Week by week, during the election and its aftermath, the senator has dismantled his persona in the interests of political expediency: toadying to Hollywood moguls; offering to meet with Louis Farrakhan; absorbing shock when the Gore team's plans to nix military absentee ballots blew up in their faces. The most disturbing aspect of his performance has had to do with his religion. Sen. Lieberman is a devout Jew, who had a record of expressing moral concerns in the public square. By picking him, the Democrats sought simultaneously to energize the Jewish part of their base, and to appeal to practicing Catholics. Candidate Lieberman, in practice, insulated Gore from criticisms due a reckless Middle East policy, and cheapened or sold out every moral concern he ever had. He was not a religiously informed public man; he was, like the comic social directors at old Catskill resorts, a tummler. If he loses, he will return to the Senate despised by Republicans and less respected by the media. If, by some chance, he becomes vice president, he can look forward to four more years of humiliating acrobatics. Is it too late for BuckPac to endorse Lowell Weicker?

■ Sean Wilentz is at it again. Eleven years ago, the Princeton professor was one of many historians who signed a legal brief to the Supreme Court that claimed, on the basis of falsified evidence, that abortion was a common-law right at the time of the American founding. Two years ago, he helped organize a group of historians that issued a statement on impeachment. That statement argued that impeachment was "explicitly reserved . . . for high crimes and misdemeanors in the exercise of executive powers." As critics observed at the time, that would mean that a president who made a habit of robbing banks could not be impeached; and the Constitution is quite silent on whether offenses must be committed in the exercise of executive powers to warrant impeachment. Now Wilentz is back, with two more public statements about the post-election wrangling in Florida. This time his signatories are not limited to historians, but also include such Celebrity-Americans as Rosie O'Donnell and Robert De Niro. They call, not just for a recount, but for a *revote* in Palm Beach County. This would "remove any hint of inaccuracy in the final result." Too bad that it would also appear to violate the Constitution's provision that the presidential election has to be held on the same day everywhere. Prof. Wilentz is a well-respected scholar, but his public record on constitutional questions is now 0 for 3. Might we suggest a moratorium on constitutional statements from him?

■ Paul Begala takes umbrage at the suggestion that the election revealed a cultural divide between the decadent, Democratic coasts (represented in some maps as blue) and a virtuous Republican heartland (red). Writing for msnbc.com, Begala discerned "a more complex picture. You see the state where James Byrd was lynch-dragged behind a pickup truck until his body came apart—it's red. You see the state where Matthew Shepard was crucified on a split-rail fence for the crime of being gay—it's red. You see the state where right-wing extremists blew up a federal office building and murdered scores of federal employees—it's red." Would it be churlish to point out that the blue zones encompass at least their share of aberrations and outrages? For example: the hacking to death of Yankel Rosenbaum by a mob shouting

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The Era of "Moral Essences"

Arnold Beichman
is a
research fellow
at the
Hoover Institution.

Paid for by the Hoover Institution, Stanford University.

"A State which is incompetent to satisfy different races condemns itself; a State which labors to neutralize, to absorb or to expel them, destroys its own vitality; a State which does not include them is destitute of the chief basis of self-government."

These are the words of Lord Acton, the British historian and moralist, written more than a century ago. How clearly they apply to the Balkan states and in particular to Serbia. And how clearly they apply to other parts of the world with conflicting nationalisms.

Lord Acton was writing when the Balkans were the powder keg of Europe and when what was happening between the expiring Ottoman Empire and Bulgaria, its vassal state, engaged the statesmen of Europe. Today the statesmen of Europe, this time with the support of the United States and NATO, are trying in the name of the United Nations to stop war-crime killings in the territories of what was once Yugoslavia. Will the new Yugoslavia permit a nationalist-driven Albanian population to create an independent Kosovo?

Lord Acton's words lead to a question of some importance to existing states: **Was the UN condemnation of Serbia based on the vague, undefined notion that every "nation" has a right to its own state?** Corsica, a French island in the Mediterranean, wants independence. There is an independence movement in northern Spain among the Basques. The population of Acheh in faraway Sumatra has been seeking independence from Indonesia for more than half a century. Does Tibet, a victim of communist imperialism, have a right to independence from China? Will Sri Lanka allow the Tamil Tigers to form their own country? Are these legitimate claims?

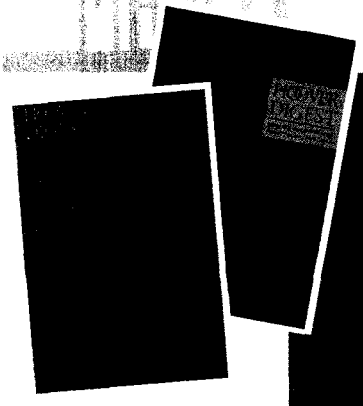
These claims to "independence" have proven one thing: Marx and Engels didn't know what they were talking about when they wrote in the *Communist Manifesto* that "national differences and antagonisms between peoples are daily more and more vanishing. ...The supremacy of the proletariat will cause them to vanish still further." Tell that to the Chechens.

Nationalism (or subnationalism) has been the major political "growth industry" since the end of World War II, although its modern origins go back to the mid-nineteenth century. Whereas there were fifty-one signatories to the original UN Charter back in 1945, today's UN membership numbers 190, and more are surely coming, among them ministates with no visible means of support.

Alan Bullock has defined nationalism as "a mass emotion [which] has been the most powerful political force in the history of the modern world." How to deal with that mass emotion will be the real task of the twenty-first century. Prague showed one way to do it: when Slovakia wanted to secede from Czechoslovakia it did so peacefully. Will Montenegro be allowed by Yugoslavia's new leadership to secede peacefully from Serbia? The Western concept of nation was well summarized by Edmund Burke: "A nation is a moral essence, not a geographical arrangement."

Who's the next "moral essence"?

— Arnold Beichman



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"Kill the Jew!" (New York), the Rodney King riots and O. J. Simpson's two free murders (California), the hounding of two fathers who had the temerity to tape a "youth-only workshop" at which boys in public schools were instructed in techniques of sodomy (Massachusetts), the nation's last attempt by state authorities to restrict voting by race, struck down just this past February by the U.S. Supreme Court (Hawaii) . . .

■ Bush's plan to reduce marginal tax rates has been declared dead on arrival. But the case for it grows stronger with each day's economic news. This year's sinking stock market is the worst since the bear-market recession of 1990–91, and revised figures for third-quarter GDP growth are likely to come in below 2 percent. Meanwhile, the federal budget surplus is acting as a drag on the economy. The increase in the surplus is entirely a matter of higher individual tax collections, which have increased $144 billion over the past year. But personal savings have fallen $136 billion at the same time. Team Bush should push for higher growth. The Fed can do its part by easing monetary policy. But while the central bank can create money, it cannot produce goods. Increasing saving, investment, and production requires lowering marginal tax rates to replenish the incentives for economic growth and to restore private-sector purchasing power. Is Bush's tax plan too "partisan"? Hardly. Shouldn't economic growth be a bipartisan goal?

■ Toward the top of Bush's to-do list should be the fumigation of Janet Reno's Justice Department. But Bush will find this task harder if House Republicans do not permit Henry Hyde to remain head of the Judiciary Committee. Over the next two years, Chairman Hyde could be expected to conduct the kind of rigorous and credible oversight hearings that might begin to repair the damage wrought by Reno. Unfortunately, Hyde's chairmanship is endangered because, in 1995, congressional Republicans adopted term limits for committee heads. Hyde deserves a waiver. Impeachment effectively stole seven months from his chairmanship, and no other current chairman has performed duties so far above the ordinary. His devotion should be recognized by his colleagues.

■ It's bad enough that Colorado educators have responded to an influx of immigrant kids by enrolling them in "bilingual education" programs that teach in Spanish rather than English. But now a school district in Denver has gone a step further by importing teachers from Mexico, too. There are only three of them so far, reports the *Denver Post*, but the whole metropolitan area is looking at inviting more to *El Norte* soon. Something that definitely deserves to move in Colorado's direction is Ron K. Unz's worthy crusade to ban such nonsense by statewide referenda. In November, Arizona voters overwhelmingly passed an initiative modeled on California's Proposition 227, which banned bilingual education in 1998 and is considered responsible for rising test scores in the state. Unz has said he may work with Colorado activists on a ballot proposal scheduled for 2002—and not a moment too soon.

■ "If you want elections, let there be elections," says Ehud Barak, resigning as Israeli prime minister. These offhand words suggest that he knows best and couldn't care less what others make of him. It has taken him 18 months to lose the confidence of his coalition partners, the parliament, and the Israeli public. In that time, his policies of appeasing the neighboring Arab states have weakened Israel all round, and generated the now daily violence on the West Bank and in Gaza, leaving almost 300 people killed on the streets. Yasser Arafat and the Palestinians evidently believe that this is the way to achieve concessions even greater than those they recently rejected as inadequate at Camp David. They may well prove to be right. Elections in Israel are mind-boggling exercises in horse-trading between parties and principles. The result of this one will probably not be known before six or even nine months, by which time the next president in the White House will also have a policy towards the Middle East. Arafat has only to sit tight, and watch the bids come in from rival Israeli politicians desperate to secure his favor.

■ The fall of Peruvian president Alberto Fujimori is a tragic event. He was no Ceaucescu, a monster whose demise was a blessing. When Fujimori arrived on the political scene in 1990, his country appeared to be ungovernable: in steep economic decline, the vicious Shining Path gaining steadily, drug trafficking growing. During his ten years in power, Fujimori began to open and modernize the economy, defeated the guerrillas, and reduced drug cultivation and export. But, like all too many leaders, he decided he was infallible and irreplaceable. In 1992 he closed the Congress. In 2000, he ran for a third term, in defiance of the constitution. No problem: He fired the judges who said a third term was illegal; put toadies in charge of the military; put the entire judicial system in the hands of an ally; seized television stations from owners who broadcast criticism of his government; fixed this year's election; and became part of a web of corruption. The U.S. gov-

Gore Tramps On

As viewers two-time CNN
For flicks on AMC
While Al seeks "other legal means"
To goose his apogee,
Inside the Beltway, Democrats
Begin to tap a toe,
Check clocks and ruin undershirts
As Gore has one more go.

—W. H. von Dreele

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A world of ideas on public policy.

The Pharmatech Industry in the New Economy

by Merrill Matthews, Ph.D.

The cost of prescription medicines has become a hot topic of debate in many countries. Critics assert that drug prices are too high, and some advocate de facto or explicit price controls on prescription medicines. But are price controls good policy? How would they affect the ability of drug companies to research and develop new medicines? And how many deadly or debilitating diseases might go untreated or uncured as a result?

Differing research and development costs help to explain why some drugs are affordable while others are expensive. In 2000, pharmaceutical companies world-wide will spend more than $26 billion developing and testing new drugs. These companies have to recover their costs in order to continue researching new cures and treatments. Price controls reduce incentives to discover new medicines, and they would lead to political rather than technological considerations in determining what drugs to develop – and whom to treat.

There are two different pharmaceutical industries. The first mass-produces generic medicines, aspirin, cold medicines, ointments and other over-the-counter (OTC) drugs. This industry fits nicely into an Old Economy model in which competitors try to produce products or services similar to those of more successful rivals, but at lower prices. The other pharmaceutical industry – the "pharmatech" industry – follows the New Economy model in which companies spend heavily to create and test a patentable product, but then incur minimal reproduction costs. In the New Economy, the primary barrier to entry is the high cost of developing an innovative product that can then be patented, thereby enabling the discoverer to recoup its costs.

> ***The pharmaceutical industry's need for temporary patent protection is an inherent function of a high-tech industry in an information-based economy***

Unlike Old Economy companies that sell the same product year after year, pharmatech and other New Economy companies can earn profits only by continually releasing new or upgraded products. The pharmaceutical industry's need for temporary patent protection is an inherent function of a high-tech industry in an information-based economy. The price of innovation is temporarily high costs for certain medicines. Price controls threaten to restrain or undermine that innovation.

Although many prescription drug manufacturers are profitable, those profits are not out of line with other successful New Economy industries that produce high-demand products – or even with some Old Economy companies that market patentable or copyrighted material. In fact, most drug companies are profitable not because they charge excessive prices, but because doctors and patients want their products so much. Although pharmaceutical spending increased at a 13.7 percent average annual rate between 1995 and 1999, most of that increase resulted from increased sales volume, not higher prices. Consequently, price controls would do little to restrain overall drug spending.

If public officials really want to control prescription drug prices, they would do well to rely on competition rather than on government fiat. In fact, the drug industry is already competitive – no single pharmaceutical company controls more than 7.2 percent of the U.S. market. Moreover, increased spending on direct-to-consumer advertising and R&D indicates that the pharmaceutical industry is becoming still more competitive as companies vie for market share. If market forces are allowed to operate, that competition will eventually lead to lower prices.

Competition in a market free of excessive regulation is the best way to keep drug prices low. Price controls almost invariably inhibit research and development, and result in shortages and rationing – as the experiences of Europe and Canada demonstrate. By contrast, when drug companies face the need to compete more effectively, they voluntarily reduce prices and seek new ways to get innovative products to market faster.

Educating patients about the benefits of the drugs they buy gives them a sense of value for money. And when consumers perceive that they are receiving value for their drug dollars, they are less likely to care about how much profit drug companies make.

Dr. Merrill Matthews is a Visiting Scholar at the Institute for Policy Innovation (IPI) in Lewisville, Texas. This article is excerpted from Dr. Matthews's new IPI Policy Report, Prices, Profits and Prescriptions: The Pharmatech Industry in the New Economy. The full report is available at www.ipi.org <http://www.ipi.org> , or by calling +972/874-5139.

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ernment stood by while all this transpired, because Fujimori was "a force for stability" and "helpful on drugs." But corruption and repression often yield instability. And if the Fujimori government was sometimes "helpful on drugs," it was also selling arms to the narco-guerrillas in Colombia. Our government should watch its "allies" in the drug war a bit more closely.

■ On his long-delayed trip to Vietnam, President Clinton mentioned "the staggering sacrifice of the Vietnamese people on both sides" of the Vietnam War. Indeed. The people of the North sacrificed at the behest of a totalitarian state, which sought to impose its will on all of Indochina. The people of the South sacrificed to maintain their freedom. Many of the latter who were lucky enough not to make the supreme sacrifice fled the victors in small boats, over pirate-infested waters, to make their way to California and northern Virginia. After 25 years the country they fled is a backwater dictatorship in booming, and increasingly democratic, East Asia. Vietnam's despots realize that their prosperity and their security as neighbors of a stirring Chinese superpower depend on reestablished ties with the United States. It is in our interests to cultivate those ties, however grotesque it was of Bill Clinton to send himself as trailblazer.

■ The Netherlands is on track to becoming the first country to legalize euthanasia, although the move would merely formalize already widespread practice. The law would allow doctors to kill patients as young as 12 with their parents' permission; minors 16 and older need only consult with their parents. There have already been reports that 1,000 patients a year are killed without having asked for the service. Such are the grisly results of forgetting the proper role of a doctor: First, do no harm.

■ The flap over Patrick Tierney's book *Darkness in El Dorado* (see John J. Miller's "The Fierce People," Nov. 20) has led to some wider questioning of the integrity and scientific standing of the so-called "soft sciences"—fields such as anthropology, psychology, and sociology. Are these real disciplines, rigorously applying the scientific method to hypotheses about the human world? Or are they just political activism in academic dress? In a thoughtful article in *Forbes*, Dan Seligman casts an unsympathetic eye on the soft sciences and uncovers "a mind-set aching for activist causes." The social sciences are, it turns out, not only afflicted by the same kinds of political correctness the liberal arts have succumbed to, they are actively inventing new kinds of their own. A clue to the source of the problem is given in Seligman's best quote, from an unnamed Harvard eminence: "People become sociologists because they hate society, and they become psychologists because they hate themselves."

■ Beginning about 1972, when identity politics became the core of liberalism, *bien pensants* began to censor the use of the American Indian as a college or team symbol. Stanford dropped it. Other universities did likewise, as did countless high schools. When Dartmouth dropped its Indian symbol, Dinesh D'Souza, then editor of *The Dartmouth Review*, phoned dozens of tribal chiefs all over the country. They unanimously approved of the symbol, but this mattered not: The actual Indians had not had their consciousness raised. Now, however, *Newsweek* finds that the Indian symbol is making a big national comeback. In Marquette, Mich., for example, a decision by the school board to drop the symbol provoked a large protest movement led by the local Indians. Of course, the political correctness of the 1970s was always farcical: liberal virtue purchased at bargain-basement prices, as if the Indian-head nickel had been intended as an insult, or the Pontiac automobile as a slur.

POLITICS

For Conservative Bipartisanship

MORE than a few Republicans have wondered, during the protracted political wrangling in Florida, whether this presidency would be worth all the fuss. Republicans have only the most tenuous control of the House and Senate; Bush will not have a mandate; Democrats may harp on the "illegitimacy" of a president who did not win a plurality of the popular vote; a recession could be in the offing.

Congressional Republicans have their own worries. They fear that the close election results will reinforce Bush's inclination to be "a uniter, not a divider," and that conservative voters will be disappointed at how little of ideological savor will be achieved even with a Republican president and Congress. They fear that if all conservatives see by November 2002 is an expanded federal role in education and a new subsidy for prescription drugs, the result will be major losses in the midterm elections.

What President Bush will need is an agenda that catches fire without blowing up. Is such a thing possible? Yes, if Bush understands that bipartisanship need not be mush. The most successful feat of bipartisan governance in modern times occurred, after all, during Ronald Reagan's first term. Reagan's agenda did not pass because Tip O'Neill wanted him to succeed. It passed because Reagan's staff identified rank-and-file Democratic members of Congress who supported tax cuts, spending restraint, and the defense buildup.

The prerequisite for bipartisan success under Bush is not that he meet with Dick Gephardt and Tom Daschle. Nor is it that he appoint Democrats to his Cabinet, although it may make sense to appoint the occasional Democrat who 1) agrees with Bush on issues or 2) is a senator from a state with a Republican governor who can appoint his replacement. It is that Bush build coalitions, on an issue-by-issue basis, including most Republicans and some Democrats. Today, there is a bipartisan majority of the House for rebuilding our defenses in general and establishing missile defenses in particular, against the marriage penalty and the estate tax, for individual tax credits for health insurance, and against gun control.

It may be possible to win Democratic votes for more than

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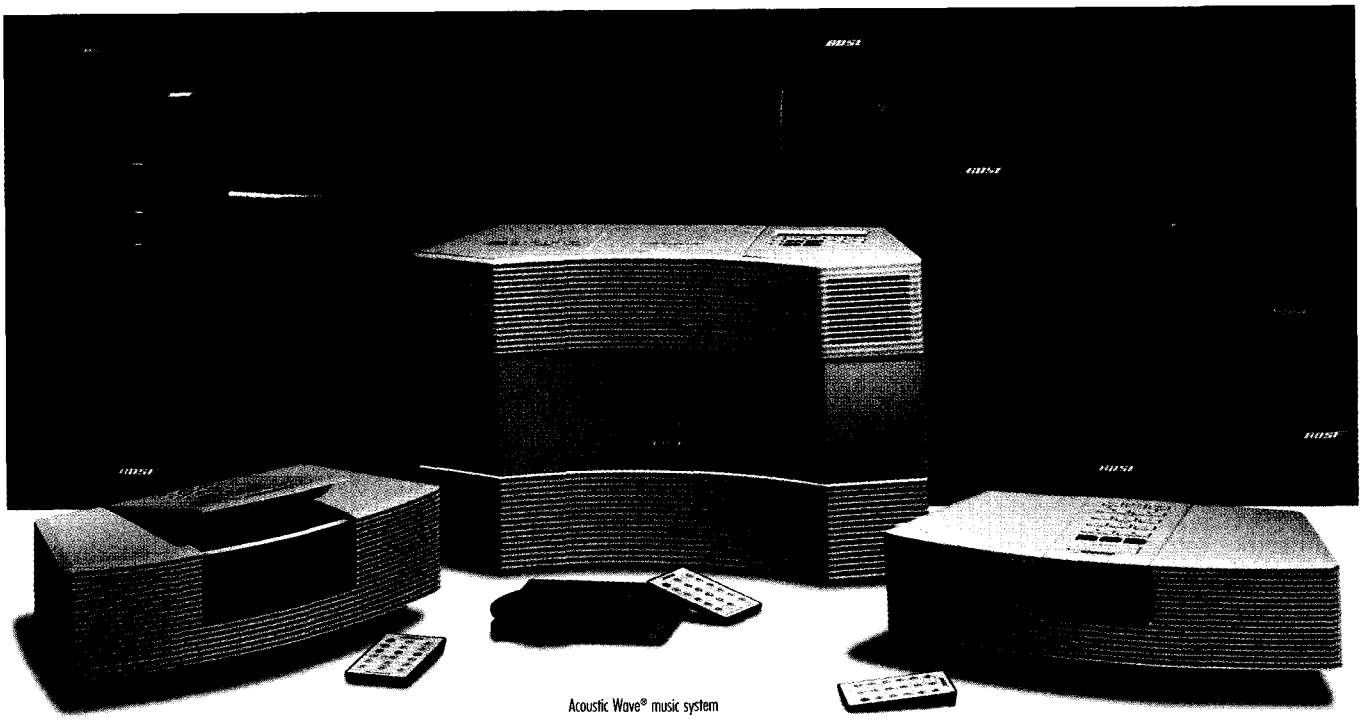

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this. According to exit polls, more voters supported Bush's Social Security reform proposal than supported Bush himself. Having wisely maintained flexibility on the details during the campaign, Bush may well be able to negotiate a deal. He ought to enlist the help of John McCain, who has expressed interest in an investment-based reform of the program.

If that reform looks impossible to achieve in the current Congress, Bush should take small steps that improve the prospects for it later. The expansion of tax shelters for middle-class savings already has very strong support in the Congress (a bill to that effect passed the House 401–25, with the Gephardts and Boniors in the lonely opposition). Bush may even want to devise his own version of the Clinton-Gore idea of using tax credits to promote private investment.

During the campaign, Bush won the argument over cutting taxes across the board. Getting a tax cut of the size he wants, however, will be difficult, not only because the election was so close but because many Republicans did not run on it. A softening economy might help Bush rally support for his tax cut; but conservatives need not be disappointed if he does not get the full proposal enacted.

The dicey political circumstances of the moment make it even more important than usual that Bush pick smart, principled officials for his administration. His selection of Andrew Card as his chief of staff is not a hopeful sign in this regard. The trouble is not so much that Card is the sort of moderate "pragmatist" who made a hash of Bush's father's administration, although he is. It is that it suggests that W. might repeat his father's basic mistake when it came to personnel policy: choosing subordinates who had a record of loyalty to the Bushes, or managerial skills, rather than people who had good ideas. (Early in the first Bush administration, an official infamously remarked that he wanted colleagues with "mortgages, not agendas.")

For all the worries, however, Bush continues to deserve support from conservatives. Close elections, even those tainted by allegations of illegitimacy, need not spell doom for the winner. John F. Kennedy became president by a slim popular-vote margin, but his administration reassured a nervous public. The Democrats had a very good election in 1962, losing only four seats in the House and gaining three in the Senate, and won a landslide in 1964. Bush's task now is to reassure a public that has never really experienced unified Republican government. Expectations for him are low, just as they were during the presidential debates. Our bet is that he can once again exceed them.

CAMPAIGN 2000

The Right Arena

In his short speech on November 26, hours after Florida certified him the winner of its electoral votes, George W. Bush quoted a line from Thomas Jefferson's first inaugural. Jefferson himself had been elected in a bitter and complex contest. Because electors did not then vote for a ticket but cast two independent votes, he and his running mate, Aaron Burr, happened to tie. The losing Federalists, thinking Burr was the better man, hoped to put him over the top. Since the House of Representatives was also deadlocked (eight states for Jefferson, six for Burr, and two evenly split), over 30 ballots were taken, without any movement. Finally James Bayard, the lone Federalist congressman from Delaware, took the advice of Alexander Hamilton and abstained, giving the election to Jefferson. For years afterward, Bayard claimed that Jefferson had agreed to certain Federalist conditions (keeping the navy, not dismantling the courts). Jefferson denied it, yet he did everything (at least initially) that Bayard and the Federalists wanted.

A political contest was settled, in other words, by politicians. Sometimes it doesn't look pretty. In 1824 John Quincy Adams, finishing second in a four-man race, made a deal with Henry Clay, who had finished last: Clay backed Adams when the election went to the House, and Adams made Clay his secretary of state. The deal was perfectly legal, and Clay was in fact a good diplomat. But Andrew Jackson, who had finished first, spent Adams's term howling over the supposedly corrupt bargain. Sometimes the politicking is in fact not pretty. In the election of 1876, the massive fraud engaged in by supporters of both Samuel Tilden and Rutherford B. Hayes led to a 15-member special commission to adjudicate disputed electoral votes. The real deal was done in a back room, where the Republicans promised to end Reconstruction, if the Democrats would consent to roll over. The deed was done, and southern blacks were put on the road to disfranchisement.

No one thought of turning these elections over to the courts. That has been reserved for our own day. Both sides have taken a legal route, Bush rolling the dice on the U.S. Supreme Court, Al Gore rolling them (with less risk) on the Florida supreme court. Phalanxes of lawyers have argued the contending cases. David Boies, fresh from taking on Microsoft, has decided to litigate the future of the United States.

There are mechanisms for resolving even such tangles as the election of 2000. County officials first began the hand recounts; Florida has a legislature, and a governor, who can intervene in the process. At the end of it stand the U.S. House and Senate. When the people's choice produces a tie, or a rugby scrum, the politicians have the primary constitutional responsibility for extricating themselves, and us, from it. If we don't like their handiwork, we have another crack at them down the road. Americans increasingly expect courts to write regulations and administer the details of their lives (the courts themselves have not been shy about fostering this expectation). Popular TV shows like *Judge Judy* and legal melodramas like the O.J. trial reflect this understanding. Critics of judicial activism have always complained that the country was being led away from self-government. If courts pick the president, what remains?

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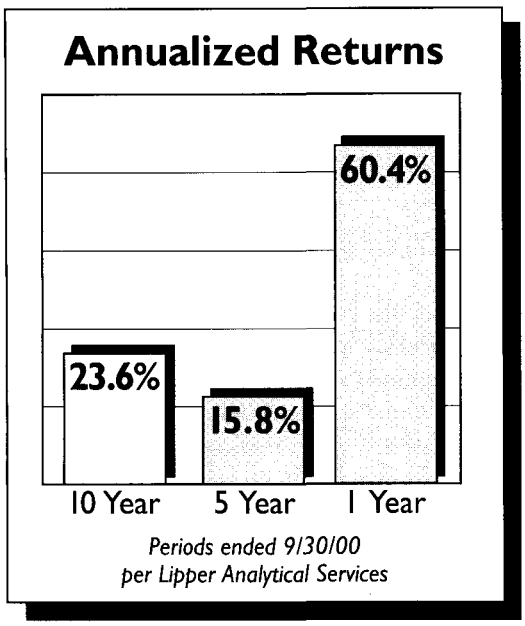

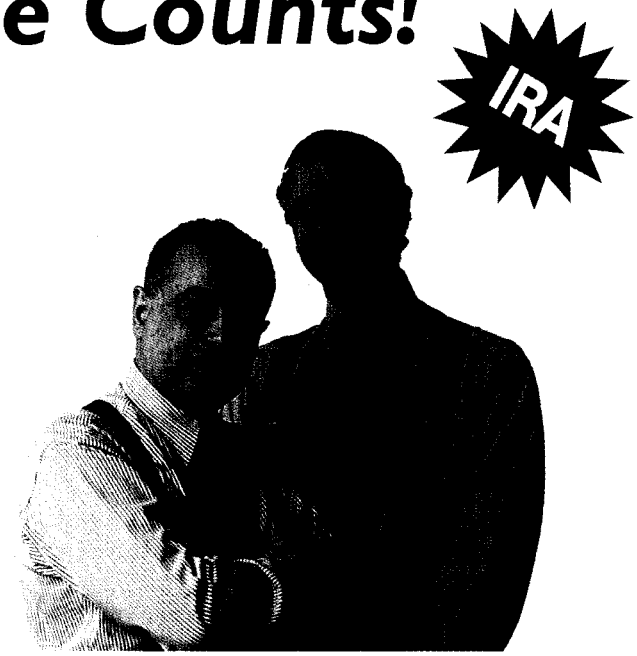

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CAMPAIGN 2000 II

Electoral Sportsmanship

THE prevailing tone of the coverage of the postelection campaign is neatly captured in the headline to a column by—of course—David Broder: "Both Have Failed Us." George W. Bush and Al Gore are being presented as morally equivalent, both having placed their own interests above those of the nation. A few liberal partisans go farther, arguing that Bush has been much more irresponsible than Gore. E. J. Dionne Jr., Thomas L. Friedman, and various writers for *Slate* lead this camp. Let's consider their charges against Bush one by one.

1) *Bush has been irresponsible and hypocritical in charging that the Democrats are trying to throw out the votes of overseas military personnel.* The alleged hypocrisy is that Bush wants these votes to be counted but does not want to count every Democratic vote. But the overlooked distinction here is that there is no doubt who the absentee voters were voting for. Bush's objection is to counting ambiguous ballots as votes for Gore. Against the charge of recklessness, Bush can plead the defense of truth: Most soldiers do vote Republican, and Democrats were trying to keep their votes from counting. If Gore wished to prove otherwise, he need only have called on the boards of canvassers to count them.

2) *In a triumph for mob rule, Republican rioters intimidated the Miami-Dade vote canvassers into quitting a recount that would have helped Gore.* What the Republicans were protesting—nonviolently—was not the continuation of the recount but the fact that it was being done in private, with no oversight. The canvassers themselves have said that they were not intimidated.

3) *The Bush campaign has been trying to "delegitimize" the Florida supreme court because it ruled against them.* What Bush and his spokesmen have said is that the Florida court acted as though it were the legislature, and they are correct: Setting deadlines for the certification of elections is something that the legislature should do and, in this case, had done. Unless the law is whatever a court says it is, Bush is within his rights here.

4) *Republicans have made vicious attacks on Democratic election officials, accusing them of fraud.* Republicans have said that Gore is trying to manipulate the recounts in order to be recognized as the winner of the election—in shorthand, that he is trying to "steal the election." But Democrats have made the same accusation, in the same language, against Republicans. And they have made personal attacks on Republican officials such as Florida secretary of state Katherine Harris. No such attacks have been levied against Bob Butterworth, Florida's attorney general and the chairman of Gore's campaign in the state.

There are reasonable grounds for criticizing Bush. Perhaps his show, right after the election, of organizing his transition to the White House was peremptory. It may have been wise for him to acknowledge, at some point, that the passions of Democratic partisans have been understandable even if some of their tactics have been wrong. But such criticisms should not obscure the larger picture: Gore and the Democrats have been by far the more irresponsible party in Florida.

It is Democrats who are making unsubstantiated, inflammatory accusations that minority votes were suppressed (by "dogs, guns," Gore campaign manager Donna Brazile says). It was a Democrat, Gore campaign chairman Bill Daley, who said, "The campaign continues," hours after it should have ended. It's a Democratic strategist, Bob Beckel, who has been collecting "information" about electors in order to get them to switch their votes. It's the Gore campaign that has claimed to have "the will of the people" on its side without ever having led in any count of Florida votes. And it's Democrats who have changed the rules—on deadlines, on vote-counting standards—to help their candidate after the election.

If Democrats do not wish to be accused of trying to steal elections, perhaps they should not provide so much evidence for the charge.

EUROPE

Napoleon Complex

TEN years have passed since President Bush spoke of a New World Order. His optimism was fueled by the fall of Soviet Communism, and military success in containing Saddam Hussein's expansion in the Gulf. Cooperation among America's leading allies—in other words, among the democracies of the West—was supposed to be the basis of this order. Nondemocratic countries, it was hoped, would see the benefits, reform their political systems, and sweetness and light would prevail.

Mikhail Gorbachev at the time was alone to protest that there should be some counterweight to America. Was it wholly unforeseeable that France would be the country to find opportunity in this special pleading? For reasons arising from the world wars and a history of perceived decline and humiliation, France can boast half a century of consistent anti-Americanism in every sphere. With increasing eagerness, it is refashioning this cause from the point where Communism broke off.

Perhaps it does not matter too much that France has opposed American policy in the Middle East by taking the lead in smashing the sanctions imposed on Saddam's Iraq, and condemning Israel in the present round of violence. Such a policy is clearly designed for commercial advantage. Perhaps it also does not matter too much that in the recent and abortive climate conference at The Hague, France demonized the United States as the main polluter of the world. The only head of state to attend was President Chirac, who ranted that "each American emits three times more greenhouse gases than a Frenchman." Of course if fuel and other ecological taxes were to be raised in the United States, then the economy might slow down, to the benefit of the European Union and its sickly euro.

But it does matter very much indeed that the French have persuaded other countries in the European Union to form what is called a Rapid Reaction Force. In reality this is a European army. This army, the French and their surprisingly

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docile supporters in Germany and Britain like to claim, is a supplement to the NATO alliance that has kept the peace so long and so effectively, and not a substitute or alternative. The claim is palpably untrue. The new army is to have its own command structure, 200,000 men, and a navy and air force, with an operating brief over a range of 2,500 miles from Brussels, a distance that takes in Russia and the Middle East. It is hard to imagine whom it proposes to fight, or where it will intervene, and on what grounds, and when. And harder still to imagine how countries accustomed to cutting their defense budgets to the bone will now pay for the resources they are allocating on paper.

But that is not the main point. This is no longer the politics of gesture. The French have long boycotted NATO and sought to lever the American presence out of Europe. Through the machinery that they have put in place in the European Union, they are succeeding. A European army decouples once and for all American and European military capacities, puts paid to the notion of an alliance of democracies, and introduces the international counterweight to which Gorbachev aspired. What may look like a latter-day Napoleonic fantasy is in fact an assertion of power against the United States. Here is a parting of the ways with consequences that will shape the coming century.

■ NOTES & ASIDES ■

■ Dear Mr. Buckley: While my fellow NR reader Charles Yongue is correct in pointing out that the word *über,* in the phrase *Deutschland über Alles,* means "above," he is not totally on target with the rest of his interpretation. Allow me to explain.

The phrase *über alles* is a common component of everyday German. The word *alles* means every*thing*, as in *Das ist alles*, that's all, that's everything. Grammatically, *alles* can refer only to a thing, a neuter. If it were to refer to other countries or peoples, as is alleged, it would have to be *alle*. *Das Land* (the land/country) is neuter singular; *die Länder* (the countries) is plural. *Alle* is generally followed by a plural noun to which it refers (countries, people, hats, dogs, whatever), although the noun may be omitted if the sentence makes clear what is meant by *alle*.

The phrase *Deutschland, Deutschland über alle* would be truncated and have no meaning: *über alle* what? baseball caps? If it were to mean what it is alleged to mean, it would have to be phrased: *Deutschland, Deutschland über alle, über alle Völker/Länder in der Welt* ("Germany, Germany above all, above all peoples/countries in the world"). Aside from the fact that it doesn't rhyme, it simply doesn't say or mean that.

If, speaking of one's dog, one said, *Mein Hund geht mir über alles* ("My dog is dearer to me than any*thing* else"), clearly the meaning would not be: My dog is of a master race of dogs and superior to all other races of dogs.

Removing pejorative and Nazi propaganda, *Deutschland, Deutschland über alles, über alles in der Welt* reads simply, "Germany, Germany above everything, above everything in the world," the meaning being, "Germany is dearer to me than everything (anything) else in the world," and therefore the phrase is a patriotic, emotional expression, born in the romantic poetic tradition of its time, with a shot of nationalism thrown in for good measure.

Now what's wrong with that? Or, for that matter, with the hyperbolic "America is the greatest country in the world"?

Cordially,
Horst R. Brakel
New York, N.Y.

Dear Mr. Brakel: Nothing is wrong with that, just the uses to which it was put.

Cordially, WFB

■ Dear Mr. Buckley: Mr. La Zizza (Sept. 25) notes the recent repetition by "parrot after parrot" of a salutary word—gravitas—in connection with Mr. Cheney's nomination for the vice-presidential spot on the GOP ticket.

I thought that you and Mr. La Zizza—not to mention Gov. Bush and Mr. Cheney—would have chuckled to see an ad I saw posted on a D.C. bus today.

It was promoting a talk show with two hosts; one was unknown to me, but the other was Willard Scott, the vastly popular and frothy weather reader emeritus of the *Today* show.

In a striking display of either supreme irony or—more likely—ignorance, the poster lauded the effervescent, but wholly insubstantial, Mr. Scott and his cohort by proclaiming, "They *invented* gravitas!"

Sincerely yours,
Christopher M. Arfaa
Philadelphia, Pa.

■ Dear Mr. Buckley: I want to make a further clarification regarding dolichocephalic and brachycephalic.

These terms do not refer to the vertical measurement of the head, but rather to the anterior-posterior measurement, compared to the width.

As such they are more adequately determined by looking at the head from the side, rather than from the front. A dolichocephalic individual will have a more prominent occiput, while a brachycephalic will have a flatter one.

Sincerely,
David G. Springer, M.D.
Morton, Ill.

Dear Dr. Springer: We went through that in the December 4 issue, and I had no greater defense than to rely on the dictionary, which authorizes my usage. But you do sound terribly authoritative.
Cordially,

—WFB

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■ ELECTION 2000 SPECIAL ■

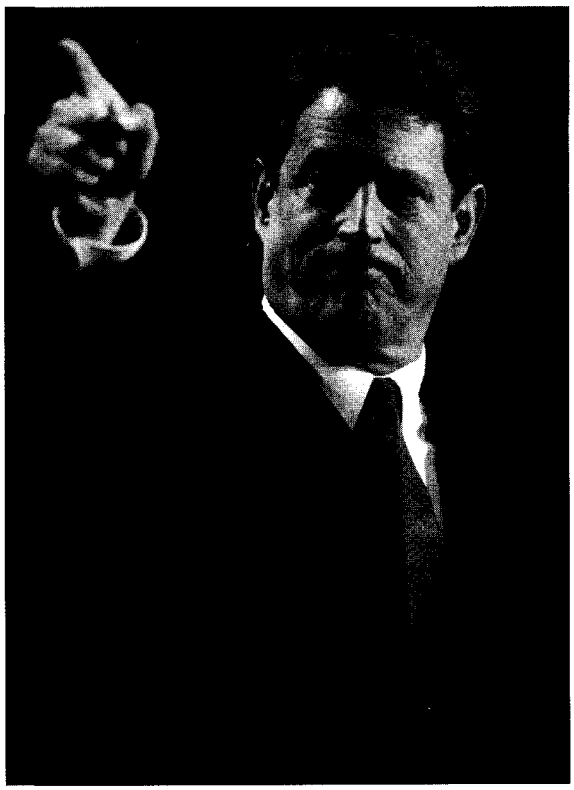
The March of the Bully

Character was the issue, after all

MARK STEYN

"ITS mystery is its life," said Walter Bagehot, the great English constitutionalist (and editor of a 19th century publication called *The National Review*). "We must not let daylight in upon magic." He was speaking of the British monarchy, but the thesis applies to ostensibly less mysterious, more rational institutions, too. Every political system depends on a certain amount of deference, humility, modesty, even suspension of disbelief. If you're determined to contest the election, precinct by precinct, chad by chad, down the Yellow Brick Road until the Emerald City Circuit Court agrees to pull back the curtain on the Presidency of Oz, don't be surprised to find there's nothing but a rusting Votamatic and Broward County Commissioner Suzanne Gunzburger hunting for dimples amidst a sea of battered chads.

The fight to the death in the chad-lands of Florida has prompted a huge amount of sneering in the Old World. "It couldn't happen here," they scoff. Of course not. In Britain and most other countries, there'd be nothing to talk about: The local equivalents of Dade and Broward need not disturb Tony Blair's slumbers. If Gwent or Avon bothers him, why, he can abolish them—as Tory prime minister Ted Heath did to a slew of British counties in 1974. In Britain and Canada, power is vested in the Crown and graciously leased down in ever more sparing amounts; in America, power originates in "We, the People," and is delegated to various government bodies. Most European states are so centralized they literally cannot comprehend federalism. Oh, sure, they hear vague stories of tourists in the New World crossing a county line and being tossed in jail because some crackpot jurisdiction has a law prohibiting visible nasal hair on weekends. But they assume this is just some flimflam around the edges, and they're understandably baffled when they see a presidential Gulliver tied up by Lilliputian county election supervisors. In an odd way, I find the latter spectacle immensely heartening: It expresses a profound truth about the differences between the American system and those prevailing almost everywhere else.



What's happening in South Florida also, however, represents the most powerful pernicious currents in American life: the defects of character embodied in Bill Clinton, the remorseless march of identity politics, the evolution of the rule of law into the rule of lawyers. Earlier this year, I wrote in the British *Spectator* that the judiciary in Western nations is coming to play a role analogous to that of the military in banana republics: "You have the right to cast your vote, but the real, entrenched power in the land will see to it that the legislature will only ever be a fig leaf." With hindsight, we should have seen it coming. In recent years, just to take a couple of examples, the supreme court of New Hampshire has effectively overturned the state's entire tax regime, and the supreme court of Vermont has discovered in that state's 18th-century constitution a right to "gay marriage." In such a legal wonderland, why shouldn't Florida's supreme court shoot for the big one—and install in the White House the guy who lost the election? On my local Vermont TV station, the recount updates are followed by the reassuringly familiar commercial for personal-injury lawyers Welch, Graham, and Manby—"where winning is no accident." That's the spirit!

As to the "right to cast your vote," in two Florida counties that seems to have degenerated into the right to have your vote "interpreted" by Vote Interpretationists who are solemnly sworn to divine your true "intention." This is the perfectly logical reductio ad absurdum of left-wing identity politics. The Democrats started the election dispute with racial profiling: How could so many Jews have voted for Buchanan? Why, Jews vote Democrat! Everyone knows that, and since everyone knows, why do they need to fill out the ballots correctly—or even go to the polls at all?

In Broward County, down-ticket punches for Democratic candidates were grounds for counting unblemished presidential chads as votes for Gore. This would be risible were it not for what seems to be the enduring legacy of the Clinton era: shamelessness. Bill

Mr. Steyn is a columnist for Britain's *Daily Telegraph* and Canada's *National Post*.

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Daley's dad and his pals at least had the decency to skulk around and do their fixing in the shadows. But an administration that began with the president discussing his underwear on TV is going out in a spectacular Clintonian flourish: The vice president is enjoying his own Kathleen Willey moment, staggering up to the electoral process, tearing open its blouse and feeling its dimples, grabbing its hand and shoving it onto his chad. And he doesn't care who knows it! Even political thugs are entitled to kick open the closet door and join the great American refrain: I am what I am! We're crude, we've sued, get used to it!

■

It may be legal to sue your way into the White House, but it's not right.

■

A couple of decades back, there was a big flap north of the border when it emerged that some overzealous officers of the Royal Canadian Mounted Police had burned down barns belonging to Quebec separatists. The press was much exercised over this, but the prime minister, Pierre Trudeau, gave one of his famous shrugs and observed that, if people were so upset by the Mounties burning down barns illegally, well then perhaps he'd make the burning of barns by the Mounties legal. Columnist George Jonas commented: "It seemed not to occur to him that it isn't wrong to burn down barns because it's illegal, but it's illegal to burn down barns because it's wrong. Like other statist politicians, Mr. Trudeau seemed to think his ability to set out for his country what is legal and illegal also entitled him to set out for his citizens what is right and wrong. He either didn't see, or resented, that right and wrong are only reflected by the laws, not determined by them."

This is a distinction increasingly lost in American life. It may be legal to sue your way into the White House, but it's not right. And it is tragic that Al Gore should be the first presidential candidate not to understand this.

The question now is whether he is an aberration, or the prototype candidate of the 21st century. On the rugby fields of English schools, they teach you that it's not whether you win or lose, it's how you play the game. That's why the English make better losers than anybody else. But that's not the American way. NBC's Olympics coverage would be regarded as a bizarre travesty in any culture that valued honest competition. But these days who does? When American skin mags are filled with cosmetically enhanced cartoons who bear no relation to flesh-and-blood women, who can blame Al Gore for artificially inflating his own vital stats? This, incidentally, is not an entirely irrelevant comparison: Since he started working out, Al has been sporting a freakish lumpiness reminiscent of Anna Nicole Smith.

Further, if you accept that "affirmative action" for certain groups is in the interests of a more equitable society, surely that principle should also apply to the presidential election. Why should Republicans be surprised when Democratic canvassing boards, invited to weigh the competing merits of Gore and Bush, decide to take into account not just "merit" (votes) but the need for "social justice" (more Democrats)? After all, ours is a victim culture where everyone has a "grievance" that needs to be "addressed": The grievance of some Palm Beach voters is that they've been victimized because they were too dumb to vote properly. Instead of being ashamed of this, they're out in the streets jumping up and down, proud to be members of the Moron-American community.

It is, for those with a strong stomach, magnificent. Al may be the Western world's lousiest election campaigner, but he has been a brilliant postelection campaigner, the artful toad hopping across the lily pond from one bogus distraction to another. His insane coup-by-suit has exposed the vulnerability of the levers of the state, and it would be foolish to assume that others won't take note. Republicans have learned the hard way that the issue was, after all, character. The great imponderable for the years ahead is how many others share Al Gore's character. **NR**

The Judicial-Activist State

It's not just Florida

RAMESH PONNURU

FEW court rulings have been denounced as swiftly or as harshly as the Florida supreme court's decision on the night of November 21. At issue was a state statute establishing that within seven days of an election, the results are to be certified. In order to give three Florida counties time to complete their hand recounts of the presidential ballots, the court threw out the seven-day deadline and replaced it with a new one of its own devising.

The decision helped Al Gore, and Republicans—outraged—believed that it was designed to do so. The next day, George W. Bush said, "We believe the justices have used the bench to change Florida's election laws and usurp the authority of Florida's election officials." The day after that, George F. Will wrote a ferocious column—all of his columns on Gore's postelection campaign have been wonderfully ferocious—about the decision. The Florida court's "radicalism," he wrote, went far beyond "routine judicial activism."

These criticisms were correct: The Florida court did exceed its lawful powers, with astonishing inventiveness, in a case where the political stakes could hardly be higher. But the court's many defenders had a good point, too, when they said that the justices had not departed from widely accepted legal norms. The difference between their activism and the everyday activism of the courts is one of degree only. Yes, the decision is a scandal. But so is the legal culture of which it is a piece. If the decision has any salutary effect, it will be to draw attention to that culture's pathologies.

Consider the Florida court's arrogance. It overturned choices made by all three branches of Florida's government: by the state legislature, which wrote the certification deadline into law; by the

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INTRODUCING:

The Adulterer's Liberation Movement !

Asserting that "science" has "proven" there's a "gay" gene, "gay" activists insist that homosexuals are "born that way," and thanks to a highly sympathetic mass media, the message has saturated our society. Even many Christians have fallen into line, urging that Christian teaching be set aside. Although science hasn't proven any such thing, people have a way of believing what the media tell them. What's next?

The newest thing is "polyamory," the hip euphemism for polygamy. Recently *Time* magazine devoted two pages to this new movement with a profile of April Divilbiss and "the two men she calls her husbands." *Time* blessed the threesome as "an odd but functional family."

Time said that the "polies" (polyamorists) seek "to convince us that the politics of the heart doesn't have to be governed by a one-party system." So the marriage of one man and one woman is a "one-party system," and we all know that one-party systems are BAD. Therefore, out-of-the-closet adultery is, well, wonderfully democratic. *Time* might well have added that traditional marriage is — sin of sins! — "non-inclusive."

The polies believe that people aren't programmed for monogamy, and they've now got an organization with the fetchingly expansive name of Loving More. "People are biologically poly," says a Loving More leader.

"Honest" adulterers will no doubt soon be showing up at Christian churches, seeking "affirmation" and "inclusion" and eventually ordination. How will liberal Christians be able to resist? They won't. After all, your typical liberal Christian has already bought into the notion that homosexuals are born that way and that marriage can be redefined to include two guys. So why not two guys and a gal? Why not add another hue to the rainbow? The polies will insist that they were "born that way" and that church and society need to be "tolerant" of their "natural" inclination to "love more." Indeed, the polies' trump card is that adultery is a fact of life and it's better to include the "other" man and/or "other" woman in the "marriage" than to have another messy divorce. Can't you see that the polies are actually anti-divorce, pro-marriage, and pro-family?

If you don't buy it, you'll be labeled a "polyphobe." And there will be shrinks who will label polyphobia a mental disease.

"Thou shalt not commit adultery," says the Commandment. But since when have biblical injunctions stopped liberal Christians? We predict that progressive Christians will embrace this latest liberation movement, as "biblical scholars" discover that the Commandment only condemns adultery-on-the-sly, not good old-fashioned, honest polyamory.

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governor, who signed the law, and the secretary of state, who tried to enforce it; and by the circuit-court judge who had approved the secretary of state's effort to enforce it. Remarkable. But is it any more remarkable than a U.S. Supreme Court that, this year, nullified laws passed in 31 states, usually with large margins, to prohibit partial-birth abortion? that, last year, in a case on grade-school "sexual harassment," changed the rules governing every public school in the country? The Florida court claims to be defending "the will of the people" by overruling laws passed by the men and women those people elected. The Supreme Court claimed a similar oracular role for itself in its 1992 *Casey* decision on abortion.

The Florida court reasoned that two state laws were in conflict. One provision said that returns filed after the deadline "shall be ignored," while another said that returns filed after that date "may be ignored." Gore's team argued that the fact that the secretary of state *may* ignore late returns does not mean she *must* ignore them; indeed, she *must not* ignore them. The Florida justices followed Gore's lawyers through the looking glass. They did so notwithstanding the traditional rule that statutes should be interpreted so as to avoid conflicting with each other.

The U.S. Supreme Court has performed similar sleights of hand. For a few years, it insisted that the Constitution prohibits the death penalty, which the document specifically contemplates. Federal courts are willing to overturn traditional doctrines of interpretation that get in their way, too. Under those doctrines, the courts would have waited to see whether the bans on partial-birth abortion were being applied in an unconstitutional manner; instead, they generally issued an injunction preventing the laws from ever taking effect and then threw them out entirely. And they did so by interpreting the statutes in the most prejudicial way possible.

One of the Florida justices, Harry Lee Anstead, asked during oral argument whether a deadline for recounts would be tougher on large counties, which need more time. Joseph Klock, representing the secretary of state, reminded him that "the fact of the matter is, the Florida legislature has all of this in front of it." Anstead came back, "How do we know that they considered this specific issue?" He thus entirely missed Klock's point, which was that he was raising considerations that should properly be raised in the legislature. The judge was making legislative determinations.

As do the federal courts. They strike down laws based on their authoritative knowledge of the effects of public prayer on the psyches of graduating high-school seniors. They issue detailed regulations (e.g., it's okay to have a crèche on public property if Santa Claus is featured too) and apply them retrospectively.

Republicans complained that the Florida supreme court effectively threw out sections of the state's election law even though it had not shown that law to violate either the state's, or the country's, constitution. Again, the federal courts have acted similarly. In *Dickerson*, the U.S. Supreme Court this June threw out a federal law on evidentiary standards for confessions. The justices carefully refrained from saying their decision was required by the Constitution, since that would have been difficult to say with straight faces. Instead, they said that the decision had "constitutional underpinnings."

Critics of the Florida decision have remarked on its gratuitous swipes at Katherine Harris, Florida's secretary of state. The justices accused her of trying "to summarily disenfranchise innocent electors," which "is unreasonable, unnecessary, and violates longstanding law." According to the critics, the justices were joining a nasty Democratic campaign against Harris.

This, too, isn't as unusual as it sounds. The Supreme Court often strikes down laws it deems "irrational." It struck down an initiative passed by the voters of Colorado on the grounds that it was motivated by "animus" toward homosexuals. These are essentially insults to state legislators and voters. As Robert F. Nagel writes in *Judicial Power and American Character*, "to a remarkable extent our courts have become places where the name-calling and exaggeration that mark the lower depths of our political debate are given a more acceptable, authoritative form."

The Florida justices suffered some embarrassment when it turned out that their decision had mischaracterized an Illinois case about the interpretation of chads. They had accepted Gore's lawyers' false claims about that case. Surely the Supreme Court in Washington would never fall for such a ruse? Wrong. In *Roe* v. *Wade*, seven justices relied on a proabortion academic's claim that abortion was not illegal in British common law—a claim that has subsequently been shown to be false.

There's a reason I've mentioned the Supreme Court's abortion decisions so often. The Florida decision is a product of an antidemocratic legal culture thoroughly formed by those decisions. *Roe* was the least defensible and most ridiculed of the high court's misadventures, and the task of protecting it has required immense intellectual and legal contortions. Legal academics have expended vast stores of energy devising ever more strained justifications for the *Roe* holding. They have purported to find abortion rights in the Ninth Amendment's reference to "unenumerated rights," the First Amendment's guarantee of religious freedom, even the Thirteenth Amendment's abolition of involuntary servitude. No doubt some enterprising academic is even now at work proving that a right to abortion is entailed by the Constitution's prohibition on letters of marque and reprisal.

The result is a legal culture—including the legal academy, the judges it favors, and the most influential reporters who write about them—that celebrates free-wheeling judicial activism as statesmanship. The Court's corruption has trickled down to lower courts, just as it did a century ago, when state courts took their cue from it to block economic regulations. In today's legal culture, judges moved by their own views of what constitutes "fairness" do not hesitate to cast aside the rules that impede it. Statutes of limitation in product-liability cases can be ignored, for instance, if they would prevent "justice" for victimized consumers. Recount deadlines can be abandoned if they get in the way of a "fair count." And the biggest procedural rule of all—that laws are to be passed by the legislature—will often lead to outcomes that judges find unjust.

The courts, of course, continue to claim that they interpret the law rather

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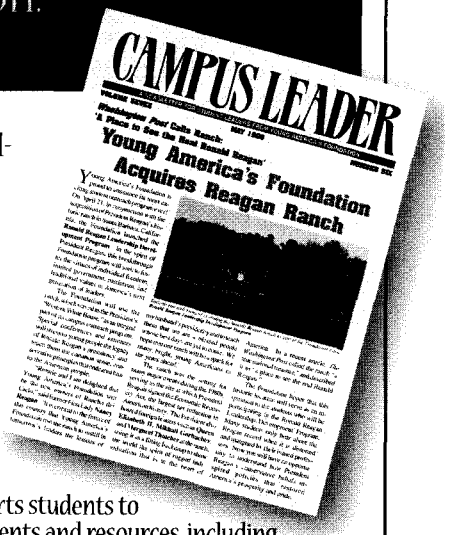

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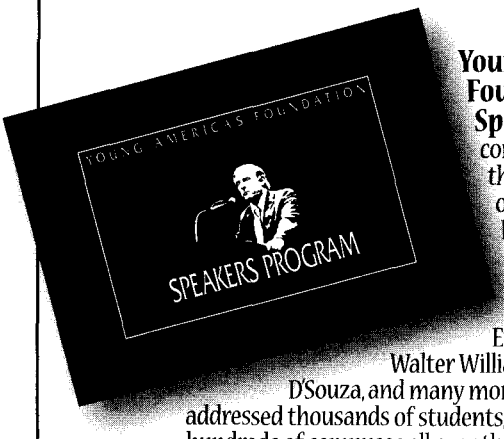

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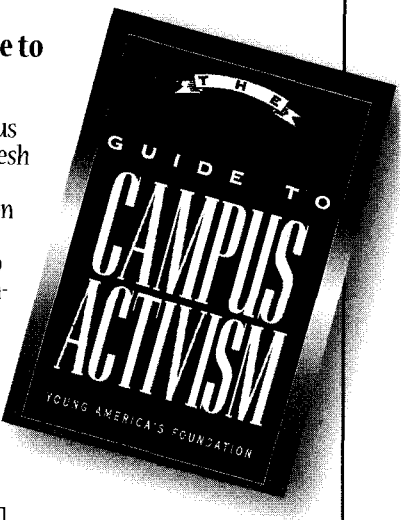

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than make it up. They go as far as they must to reach their desired results, and no farther. Once they leave the Constitution behind, however, their restraint becomes as unprincipled as their activism. Thus the Florida court offhandedly suggests—in a footnote!—that it might have extended the deadline for requesting recounts, too. In the sentence to which the footnote is attached, the justices piously affirm their "reluctance to rewrite the Florida election code." ("Reluctance" is not quite refusal.)

In the past, people who have suggested that the courts were behaving lawlessly and usurping power were dismissed, even by many conservatives, as alarmist. Four years ago, the conservative journal *First Things* published a symposium on the subject entitled "The End of Democracy?" That symposium was bitterly criticized, and for many reasons. Prominent among the criticisms was that its title was intemperate. Fr. Richard John Neuhaus, the journal's editor, was said to be irresponsible in suggesting that judicial usurpation was changing the character of the American regime and undermining its legitimacy.

A lot of the commentary since the Florida court made its decision has echoed that earlier controversy. Bush is being chastised for trying to "delegitimize" the court. He is being urged to respect "the rule of law." And what is the rule of law? Gore's campaign chairman, William Daley, explained that it was not a collection of "technicalities." (The rule of law is not a law of rules.) The rule of law turns out to be whatever judges decide to do. They read the will of the people, or the Constitution, the way Democratic canvassers divine the intent supposedly expressed by a disputed ballot.

If Gore somehow wins, judges acting beyond their authority will have effectively picked the next president. But a Bush win would hardly be a resounding defeat for judicial usurpation. Many Republicans want him to win in the Supreme Court, not the Florida legislature. Why? Because, as *Wall Street Journal* editor Robert L. Bartley pointed out, "the Supreme Court is the one body with the prestige to lend legitimacy to any decision." He's probably right.

Maybe Fr. Neuhaus deserves an apology. **NR**

The *Real* Stupid Party

Rejoice! It's not us!

DAVE SHIFLETT

DESPITE humble expectations, the election of 2000 has turned out to be a redefining moment in American politics, as the major parties flashed their souls before an awestruck and sometimes horrified nation. As the city slicker said to his country cousin after his first glance at animal husbandry, the spectacle can be life-changing.

Indeed, the Florida spectacle may do the Republicans much more good than the Democrats, no matter who wins the highly coveted Oval Office. The problem for the Dems is that the utter crudity of their Florida operation makes it much more difficult to maintain the longstanding belief that theirs is the party of the people, as well as the party of superior intelligence. Florida made it clear that the Democratic party thrives on a deep internal inequality, one in which an educated elite commands a large army of foot soldiers, many of whom are definitely slack of jaw but quite willing to engage in supreme acts of debasement to please their bosses.

At first glance, to be sure, this election seemed yet another case of the Bluebloods versus the Bluebeards. The Republicans would no doubt have packed it in for the country club had they lost the original tally by 1,700 votes. This because deep down in the Republican soul there burbles the idea that they don't deserve to win, just as the Democrats believe, from the tips of their toes to the parts in their hair, that victory should always be theirs.

But in Florida the Republicans had a slight edge and a profound provocation: The enemy was trying to steal an election from a brother who had spent a great deal toward its purchase. Initially, the Republicans reacted with a unified shriek, much like a roomful of debutantes who have just seen Bill Clinton emerge naked from a cake. But subsequently, many took to the streets, bearing placards and shouting slogans. Others were seen beating on doors and tables when Democrats attempted to divine a particularly conflicted collection of chads at some distance from witnesses.

All of which represented an evolution of character. Prior to Florida, Republicans tended to look at street demonstrators and wonder aloud, "Don't those people have jobs?" Florida was the birthplace of the Actively P.O.'d Republican, which perhaps not coincidentally follows the public embrace of the GOP by envoys from the world of professional wrestling. Whatever the cause, the faithful are unified and energized by this new member of their family, and can probably expect to take on converts.

But for the Democrats, Florida revealed with blazing intensity that the party owes much of its power to its pairing of a highly educated and power-grasping elite and a proudly benighted and exploited rank and file. The Dems, of course, made their habitual claim of acting solely on behalf of the "will of the peo-

By David Smith

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ple." But their overall strategy was based on the assertion that many of "the people"—at least those who profess Democratic loyalties—are utter dolts in dire need of elite supervision.

Before most chads even knew they were pregnant, the Democratic brass deployed its tribe of telemarketers, shysters, and PR men to Florida. Their mission was clear—to fill the streets with a throng of constituents bearing a straightforward message: *We're dumber than stumps.* This is not an uncharitable characterization. The demand for recounts and revotes was based on the insistence, voiced time and time again, that a significant portion of the Democratic constituency was incapable of marking a simple paper ballot. This includes the standard ballot and the notorious butterfly, a supposed stumper which grade-school students have shown themselves fully capable of successfully manipulating.

This mass exercise in group abasement is jarring, primarily because it is in such complete contradiction to principles of self-esteem that have convinced a large portion of Americans that they are above normal—typically, far above. It is generally unwise to suggest that a person is merely normal; to call somebody stupid, and ask him to go into the streets shouting the same, is to tempt homicide.

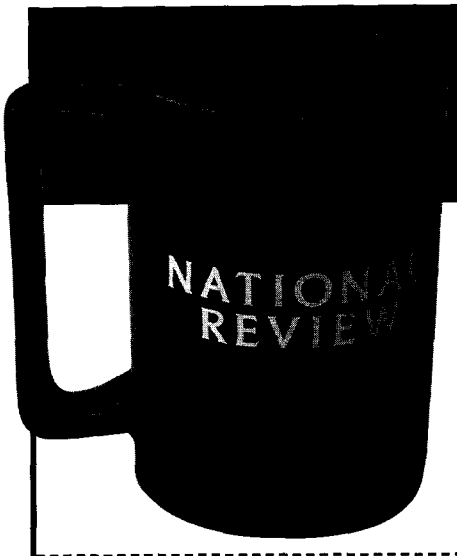
Yet the Democratic protesters were eager to go before any camera and microphone and say, in effect, we're too dumb to hit the floor with our hats. We voted for a Nazi by mistake. We voted for Bush by mistake. We voted for Gore, Bush, and perhaps Nader—all at the same time—by mistake. We might not have pushed the pin all the way through the paper, so go back and find our nicked ballots and count them for Gore, because it's no mistake that the boss should win.

Why would apparently normal people allow themselves to be manipulated this way? The easy answer is that they simply wanted to win, at any cost, and hoped that a recount or revote would allow them, by hook or crook, to put Al over the top. Or maybe they really are just plain dumb and really do need to be guided through life by a ruling elite. Whatever the case, this constituency operates in stark contrast to a Republican-leaning political subspecies. Several years ago, the *Washington Post* reported that evangelical Christians were unintelligent and, as a result, easily led. The result was a great deal of thumping, though not of Bibles.

The Florida Democrats, however, would apparently not take offense at such a characterization. But one wonders how all this will go over with swing voters and even some Democrats, who might look at this spectacle and wonder if they indeed joined the right club. Post-Florida, when someone new to politics is asked to say which is the Stupid Party, the GOP might not be the first to come to mind.

The Florida street protests were not the first expression of the Democratic belief that many, if not most, Americans need elite supervision. Nor was it the first place where a constituent's intellect was found to be lacking. There was the sad spectacle of Granny Winnie, who allegedly was forced to collect cans to pay for medicine, and who was toted around by the Gore campaign as a cheerleader for his drug-payment plan. Granny Winnie remained the poster girl for this cause even after it was revealed that she was not financially helpless at all, and was something of a fraud. Al kept her around anyway, for reasons that became clear during a stop in Des Moines.

During a Gore event, a supporter rose to suggest to the vice president that even under his Social Security plan, people would be allowed to save and invest for their own retirement. This was clearly meant as a softball question, one that would deflect charges that Al didn't have enough faith in typical Americans to allow them to invest their own retirement money. But Al used this opportunity to make a familiar point. As the *New York Times* reported: "Mr. Gore mocked the idea of older people investing their Social Security in the stock market. He gestured to Winnie Skinner, 79, a Des Moines resident whom he made famous last month because she recycled aluminum cans for extra money, who was sitting in today's audience, and said, 'So, are you ready to get on the Internet and be a day-trader, Winnie?'



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Ms. Skinner said in response, 'What's that?'"

Point made: Winnie—and, by extension, America's seniors—couldn't tell a good investment from a kelp enema. Similarly, an undergirding theme in Gore's campaign, as in most Democratic campaigns, is that we cannot be trusted to make reasonable decisions about any number of issues, ranging from where and how children should be schooled to what the income distribution should be.

One would think the Republicans would make something of the fact that Al and his boys thought that the best way to convince the courts and country that they deserved special recounts was to assert that their supporters couldn't vote straight. It is, after all, likely that many people who are not Republicans are not crazy about the idea of establishing incompetence as a power credential. They may want to join up and send money to the RNC.

So far, however, hardly a peep. The culprit could be the prevailing spirit of compassionate conservatism, which holds that one should not appear to be insensitive and judgmental, especially when stark mental incompetence is involved. But there's nothing wrong with straight talk, nor is there anything bad about returning insult for insult. Regarding the latter, the Republicans have some catching up to do. Their opponents in Washington, the academy, and Hollywood (including mental battleships like Cher) have made great light of Republican stupidity through the years. This time out they mocked George W. Bush as a 25-watt bulb in a 100-watt world, which is not quite true.

The GOP can also be assured that if ballot-deficit disorder were widespread in their ranks, there would be laughter and derision all around—as there should be. Registered voters have a right to a secret ballot. But do they also have a right to have their ballot "interpreted" by a panel of party operatives? This is the political equivalent of speaking in tongues.

People who speak in tongues remain acceptable targets for ridicule. The GOP had better act fast, however. This could change at any moment. **NR**

Too Dumb to Vote

And too smart, as well

JOHN DERBYSHIRE

ONE of the questions left hanging during the Florida vote-count fiasco was: When the Gore people asked for manual recounts in three of their counties, why didn't the Bush people do the same in three of theirs? I am pretty sure I know the answer: The Bush people did not request recounts because they believed that any manual recount in *any* county would unearth extra Gore votes, since Republican voters do not spoil their ballots—not, at any rate, as often as Democrats do.

In defense of this thesis—the thesis, I mean, that this is what the Bush people believed—I offer the following piece of circumstantial evidence: the silence of the Bushies. By offering no public answer to a question so much asked, the governor's aides left the impression that they were outmaneuvered by the opposition—that they were, indeed, the Stupid Party. This, I think, was calculated to be the lesser of two evils. For Republicans to have said out loud that they believed the spoiling of ballots to be a mainly Democratic failing would have been translated as: "GOP thinks Democrats are too dumb to vote." And that, in turn, would quickly have been spun by the Democrats into: "GOP thinks African-Americans are too dumb to vote." The Bush camp would rather be thought slow-witted than get stuck with *that* headline.

But is it true, what these campaign operatives seem to believe? Is a Democratic voter more likely than a Republican to spoil his ballot? A *New York Times* report about rejected ballots in Florida's Duval County is suggestive, though you have to read between the lines. Duval's ballot spread the names of presidential candidates over two pages. Large numbers of Democratic voters seemed to think, or to have been told, that they had to mark a candidate on each page. They therefore wound up voting for more than one presidential candidate, thus invalidating their ballots. Says the *Times:*

> The double-marked ballots substantially affected Mr. Gore's showing. . . . More than 20 per cent of the votes cast in predominantly African-American precincts were tossed out, nearly triple the majority white precincts. In two largely African-American precincts, nearly one-third of the ballots were invalidated.

What seems to have happened is that Democratic precinct workers had energetically registered, then transported to the polls, voters from wherever they could find them, without any regard to whether these voters had any interest in, or understanding of, the contest, or any familiarity with voting procedures. Yes, some Democrats are too dumb to vote. So are some Republicans. But people that dumb generally stay home on Election Day, joining the 50 percent of Americans who do not bother to vote. If you pressure them into the voting booth, they will bungle the process. Perhaps it is not the dumbness that is so peculiarly Democratic as the pressuring.

If we admit that there is a problem of citizens "too dumb to vote," the obvious solution would be some restriction on the right to vote based on competency. There is nothing intrinsically shocking about this. Many of our constitutional rights can be exercised only after someone in authority has judged our fitness to exercise them. In my own state of New York, for instance, the right to own a handgun depends on your having passed through a lengthy process of inquiry into your character and habits, carried out by the local police. In the case of voting rights, however, this whole area of discussion is blocked out by the dark shadow of literacy tests.

Literacy tests for voters were once widespread. They were used in some parts of New York State, for example, until 1970. In the Jim Crow South, however, they were much abused to prevent black citizens from voting. Literacy tests

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were sometimes waived altogether for illiterate whites, while a black voter might have been asked to construe a page of Chaucer. The Voting Rights Act of 1965 effectively put an end to these abuses. It did not explicitly outlaw literacy tests; it only made them subject to federal scrutiny. But the bad publicity generated by all the unfair practices drove literacy tests out of fashion.

This is a shame, because the case for absolutely universal adult suffrage is not a strong one. For example, the poll tax—charging people to vote—seems no more unreasonable than the fee I pay for my pistol license, though the phrase "poll tax" is in the same kind of odium as "literacy test," and for similar reasons.

Given the restraints imposed by our Constitution, and the sensibilities of our age, I doubt whether this sort of limit on the right to vote could be adopted today. Still, I should like to make a modest proposal for a form of voting restriction that I believe might pass muster with the broad American public, given a decade or two of explication.

First, let me note that as well as being too dumb to vote, you can also be too *smart* to vote. People of very high intelligence are especially susceptible to large abstract theories about society. They live lives, and think thoughts, that put a wide gulf between themselves and the generality of citizens. Carry out the following thought experiment: Suppose that in, say, 1930 the U.S. franchise had been limited to citizens holding a Ph.D. What would the consequences have been? Is there any doubt that we should have had a Soviet America in very short order, and that we should right now be digging ourselves out of the same pit the poor Russians find themselves in?

It seems to me, in fact, that political stupidity is a *special kind* of stupidity, not well correlated with other kinds. At the very highest levels of intelligence, the correlation may actually be inverse: The more brilliant you are, the dumber your politics. Albert Einstein seems to have thought well of Stalin; and remember the kooky political programs that issued forth from Jean-Paul Sartre, Bertrand Russell, and other 20th-century luminaries.

Up to a point, education makes you more conservative. The 5 percent of the electorate who did not graduate from high school went for Al Gore, by a 59–39 percent margin; the 24 percent who graduated from college went 51–45 for Bush. Higher up, however, this trend reverses: An acquaintance who teaches math at a prominent university reported that among his colleagues it is "damn near impossible to find anyone who doesn't puke at the prospect of a Dubya regime."

■

Political stupidity is a *special kind* of stupidity, not well correlated with other kinds.

■

In the matter of intelligence, then, the American electorate follows the ancient pattern of "bottom and top against the middle." The petty gentry, who were the lowest class of voters in preindustrial England, allied themselves with crown and church against the Whig aristocracy and the mercantile entrepreneurs of the cities. Today, the bottom layer of American society looks to the Clintonoid New Class elites to protect those government programs without which, both have come to believe, the poor would be driven to desperation.

The New Class responds in an appropriately paternalistic fashion. Asked in the last week of October if he would be taking a preelection break, President Clinton replied: "I'll stay here to Election Day, if I have to, to do right by the American people, because my first job is to take care of them." This is not very far removed from the response of the late Chinese premier, Chou En-lai, when an interviewer asked him whether he regretted having had no children: "All the people of China are my children." To most Republicans, of course, the occupant of the White House is an elected official temporarily in charge of one of the three branches of our government. But to large numbers of Democrats, including apparently the current occupant himself, he is what the Russian

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tsar used to be styled: "Little Father of the people."

We have a voter-intelligence problem, therefore, at both ends of the bell curve. The solution seems plain: IQ-test everyone who registers to vote, then remove both tails of the bell curve from the electoral rolls. Those too dimwitted to cope with a multi-page ballot ought not have the vote; neither ought those who believe their own brilliance gives them a license to organize the lives of the rest of us.

If we chopped off at two standard deviations from the mean, we should have disenfranchised 4 percent of the adult population—about 8 million people. If that seems too many, we could take the cutoff points to three standard deviations in each direction, depriving only 0.2 percent of the electorate—about 400,000 people. Assuming that these extremes of the IQ distribution all voted Democratic, that would be enough to reverse Al Gore's margin in the popular vote. The Stupid Party we may be, but there's no reason for our electoral successes to be at the mercy of stupid voters. **NR**

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Into the Streets

The joys of Republican mobbery

ROB LONG

SINCE the early morning of Wednesday, November 8, I have preferred to watch television with the sound off. This is not quite so isolating as one might think. In the first place, all of the cable news networks have adopted the busy, Bloomberg terminal-type screen (news flashes crawling along the bottom of the screen, just above the drooping points of the anchor's collar; "breaking news" blinking along the side, like a Hong Kong red-light district) so that even with the sound on "mute," you can pretty much figure out what's going on. And even with the sound on mute, and even though it breaks the relevant laws of physics and sound, you can somehow still hear Chris Matthews.

Without the distraction of actual sound, what you get is big-picture stuff—the human drama of a fluctuating vote count (usually in a box on the lower right of the screen, like a hockey score), the angry faces, the shouters and the screamers, the sticky, smelly exhaustion of the vote-counting room, Brit Hume's dapper pocket square, the enormous pulsating face of Chris Matthews, itself a living barometer of the inflation and deflation of the past few weeks. Matthews's face—its redness or whiteness, its bug-eyed embolism-ready tautness or its slack-mouthed heavy-lidded acceptance—delivers more real information about the state of the recount than all the fancy graphics and screen crawls put together.

Without sound, the pictures tell a broader story. It's like a satellite photograph, in which it is not the individual trees that catch the attention, but the shape and contour of the forest. Thus it won't be a question of individual ballots, or drooping chads, or Florida case law that eventually wins the election for Bush. Rather, it will be the picture—seen in a million bars and airports and houses and newspaper-display kiosks—of a sleep-deprived guy (don't know his name; the sound was off) in a vote-counting room, holding up a piece of paper, peering dubiously at it, turning it over a few times, shrugging, and putting it down. If enough people see that picture enough times, we will soon have a presidential national security adviser named Condoleezza.

But the biggest picture of all—bigger even than Chris Matthews's exploding face—are the Republican demonstrators (*Republican* demonstrators? That phrase alone packs an oxymoronic punch) who crowded the halls in Miami-Dade County. Throngs of them, just down from their Capitol Hill jobs and still sporting their button-downs and Cross pens, shouting and fist-pumping away, protesting, rabble-rousing, getting into it like outraged undergraduates at a Living Wage Now rally. And outside the counting rooms and courthouses, waving signs and screaming themselves hoarse, Republicans young and old with "Sore Loserman" signs and "Get Over It!" banners, singing songs and chanting "No More Gore!"

And from my comfy chair, with a hot toddy resting on one leg and the most recent *Grant's Interest Rate Observer* on the other, the television on but the sound (of course) off, what I see are people on the street, shouting. And I assume, naturally, that they aren't *our* people on the street, shouting, they are *their* people out on the street, shouting. I mean, who ever heard of a Republican out on the street, shouting? On a chilly day in November, most Republicans were doing exactly what I was doing: reading gloomy predictions about the coming bear market and having a little nip of something. But there, apparently, we were. It took a moment of careful television watching to verify the sighting of a new species, the Republican Demonstrator.

Fed up, I suppose, with being mem-

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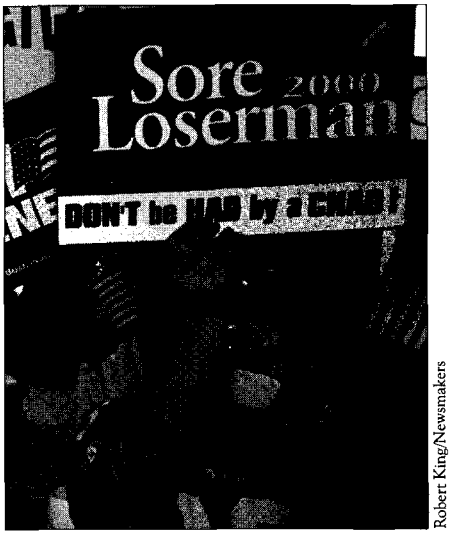
bers of the perpetually unglamorous party (their celebrity: Ben Affleck; our celebrity: Wayne Newton), without a lump-in-the-throat slogan (theirs: "Putting People First"; ours: "Repeal the Death Tax"), Republican party was ready for a cause, ready to take to the streets, all dressed up with no place to shout. But demonstrations were something that *Democrats* held—loud, street-hogging, thought-deafening—and that Republicans drove around the block to avoid. "Demonstration," in effect, became a word that referred to the act of protesting a Republican position. Young Republicans don't know that, of course. As products of the American school system, most of them don't know much about American history before 1968, when, we should note, public demonstrations mutated from silent suit-and-tie-wearing African-American civil-rights marches into crazy rock-and-roll goofball parties. No one told the young Republicans to stay home, sip hot whiskey, and read the financial press. So they did what came naturally.

But it wasn't just the young ones. Of course, it was the younger crowd that thronged the county offices in Miami-Dade—their skin still cubicle-desk-lamp pale, not yet Florida-sunlight pink—but outside, in the Florida wind and pelting rain, they were all ages and all sizes. "We'll be damned," they all but said, "if we let Jesse Jackson have the street to himself." And as the weekend progressed, the crowds got larger. GOP officials may have worked the phones, arranged the meals and beds, filled out the ranks with payroll Republicans, but the pictures don't lie: These weren't Beltway babies, most of them. They were small-towners, business types, kids and moms and portly dads and old guys—they were *Republicans*, from the center of the loaf.

And they were having fun! The "Sore Loserman" signs were funny (imagine! Republicans being funny!) and the smiles were wide. You could see, if the sound was off and you weren't distracted by the vote-count box or the idiotic "breaking news" crawling across the bottom of the screen, that these folks were astonished at their own effectiveness. The young men from Washington were still young enough to wonder if they were going to get "in trouble" for all the noise, if the principal was going to come barreling down the hall at any moment, passing out demerits and thwarting hopes for Early Decision to Chapel Hill. And the older ones held back a bit with the shouting—some had that embarrassed look you get in church when everyone stops singing but you're a little behind, singing a note or two all by yourself. But most were flushed with purpose—joyful, unashamed Republican rabble-rousers. There was talk of staging guerrilla-theater events in front of the Naval Observatory, the official residence of the vice president. Someone was going to hire a moving van filled with prop furniture and drape a sign reading "Cheney Family Furniture" on the side. Calls went out to plump Republican women with some vocal training to stand outside Gore's house and sing. Get it? A bunch of fat ladies, singing? As we say in Hollywood when someone else comes up with a great idea and we're jealous: *Not bad.* Not bad at all.

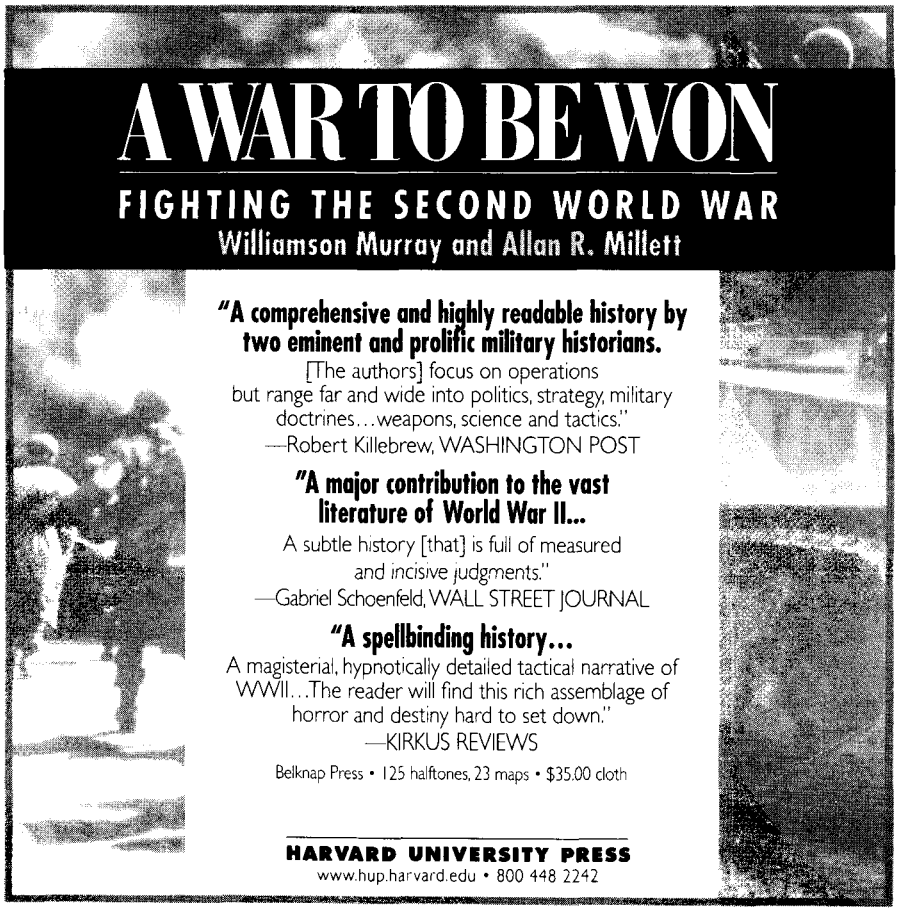


Robert King/Newsmakers

Unashamed Republican rabble-rousers

Republicans have stolen the other guy's playbook, and discovered that it contains only one play: Scream Loud. So they did. And it worked. Who knew?

Win or lose, the Republican party will never be the same. I'd love to see Chris Matthews's face when he finds out. **NR**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Following the Returns

Investor class or immigrant tide?

JOHN O'SULLIVAN

In recent years NATIONAL REVIEW has pioneered two of the most fruitful theories of electoral behavior: namely, those based upon the "investor class" and the "impact of immigration." The investor-class theory holds that since most Americans now own shares in American industry, they are less amenable to anti-corporate rhetoric and more favorable to such policies as the reform of Social Security. If true, this theory would suggest growing Republican dominance as prosperity pushes more people into the investor class.

The impact-of-immigration theory, by contrast, predicts an increase in Democratic support, because of a growing population among the ethnic groups that tend to vote Democratic. If this remains unchecked, the Democrats will become the natural majority party sometime around 2004.

Election 2000 suggests that there is some truth in both theories, but that on present trends immigration seems more likely than investment to sway elections in the foreseeable future.

Let us look more closely at the investor class. Polls show that a voter was more likely to vote Republican than Democratic if he owned shares. The CNN exit poll, for instance, showed that 51 percent of shareholding voters supported George W. Bush, and 46 percent Al Gore. This is a clear majority, but a disappointing one. One might have expected a larger lead for the Republican against a candidate who had resorted so often to virulent anticorporate rhetoric. Still, there is the pleasant prospect for Republicans that a growing investor class will indeed swell their vote over time.

That prospect, however, must be hedged about with qualifications. As Richard Nadler has pointed out ("Portfolio Politics," NR, Dec. 4), investors do not automatically vote Republican like zombie capitalists in a Bertolt Brecht agitprop musical. Economic interest is only one of many possible reasons for voting, and not all voters spontaneously recognize their economic interests. Furthermore, even sophisticated self-identified members of the investor class might become less receptive to these GOP appeals; in fact, this recent election, taking place as it did at the summit of a bull market, was the best possible time for Republicans to appeal to the investor class. Thus, when the CNN exit poll asked voters who owned stocks if they were worried about the market, a clear pattern emerged: Bears voted heavily for Gore, and bulls equally heavily for Bush.

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The investor class may not swell the GOP vote in the coming years.

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In a bull market, of course, bulls outnumber bears. Should the market turn down, however, as many observers expect, the bears are likely to be confirmed in their opinion and the bulls made more doubtful. In addition, as stocks fall, there will be a general drift in the investor class away from risk and towards security—a drift likely to take them in a Democratic direction. And, finally, the investors themselves might well develop hostile feelings for the party most associated with persuading them to put their money into falling stocks—as Lady Thatcher found in the late Eighties when new house-owners blamed the government for the sharp fall in the value of their principal investment. For all these reasons, the investor class may not swell the GOP vote, at least to the extent expected, in the coming years.

Let us now examine how the immigration thesis turned out. Here the evidence is very clear: The only large immigrant group (or ethnic group significantly composed of recent immigrants) that voted Republican over Democratic was Arab Americans: About 70 percent of them threw in their lot with the GOP. Since Arab Americans are a growing minority, concentrated in a few key Electoral College states and (because of differential immigration) likely to overtake Jewish Americans in numbers in about a generation, the GOP's foreign policy towards the Middle East can hardly be unaffected. Republicans would be less than political if they did not seek to reward the only immigrant group that favors them.

Of course, Republicans had been cherishing hopes that Asian Americans would be their own "model minority." Indeed, even NR's projections showing that the demographic impact of immigration would gradually produce a Democratic electoral majority overall had assumed either a continuing Republican majority among Asian Americans (my own analysis) or "near-parity" between the parties (the Peter Brimelow/Edwin Rubenstein analysis) in appealing to this group. In the event, however, Asian Americans gave a clear majority to the Democrats in the 2000 election: According to the CNN exit poll, they voted 55 percent for Gore to 41 for Bush. What makes this lopsided margin still more significant is that some Asian-American observers attribute this Democratic drift to such events as the Wen Ho Lee case. Even though it was the Clinton administration that imprisoned Lee, the heightened ethnic tensions caused by the case radicalized Asian Americans and pushed them towards the multiculturalism represented by the Democrats. In other words, immigration tends to produce an ethnically conscious fissiparous political atmosphere in which Republicans are at a permanent disadvantage as the party of the eroding American "majority."

Of course, the Bush campaign calculated that it could win immigrant support with its own brand of multiculturalism. In particular, it set out to woo the Latino vote not only by broadcasting its welcome for (relatively) open immigration but also by refusing to oppose the cultural policies associated with it—notably bilingualism. As with the Asian vote, however, the results are disappointing. Democrats won the Latino vote nationally by a clear two-to-one landslide—and by an even larger margin in California. One small but useful measure of the Bush failure here was the

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result of the Arizona referendum opposing bilingual education. Bush had refused to endorse this on the grounds of divisiveness; in the event, the referendum won by a two-to-one margin and ran something like 12 points ahead of his own small victory.

Paul Gigot has sought in the *Wall Street Journal* to portray Bush's 35 percent Latino vote as a silver lining in an otherwise cloudy prospect for the GOP. And while it is obviously better to score 35 percent than 25 percent among any group of voters, that simple calculation is overwhelmed by other figures when immigration is taken into account. After all, if the GOP can hope to gain only 35 percent of every 100 Latinos who arrive in the U.S. and subsequently on the voting register, then it will suffer a net loss of 30 votes every time 100 people come in. And if mass immigration means that 1 million people come in, then it will suffer a net loss of 300,000 votes.

If Bush adopted this support for mass immigration in order to soothe moderate white suburbanites, as some observers claim, then that calculation is not working out either. He won only 54 percent of the white vote—almost exactly the percentage of the *total* vote won by his father in 1988.

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The GOP's white Protestant base is being overtaken by other population groups.

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Further, it seems that support for immigration doesn't gain votes for Republicans *even among Latinos*. A Harris Interactive poll for the Federation for American Immigration Reform asked a sample of 1,000 Hispanic voters in California whether they were more or less likely to support Gore and/or Bush because of their support for more immigration. Gore increased his support by 13 percent on this issue; Bush lost a net 3 percent. In short, the GOP's base among Latinos was alienated by a policy that was adopted in order to woo them and to soothe their white neighbors.

What the GOP discovered in this election was that it is gaining a steadily smaller percentage of almost every immigrant group at the very time when these groups are increasing as a percentage of the total population. *Time* magazine noticed this point when it observed "a steady reduction" in the party's white Protestant base. In fact, that base is not shrinking at all; it is being overtaken by other population groups whose growth is due very largely to an immigration policy the party endorses.

It will be a long time before most new immigrants become investors and think of supporting the GOP. And when they do, their move to the right will be canceled out by the votes of new arrivals. On the basis of experience, however, this looks too alarming a prospect for the GOP to think about. **NR**

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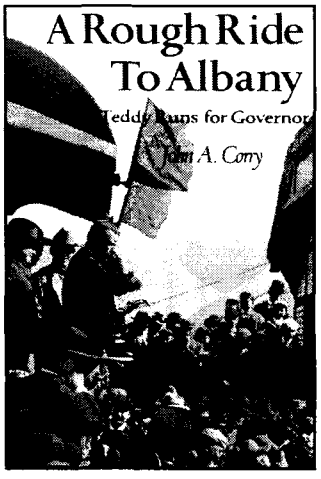

A Rough Ride to Albany

Teddy Runs for Governor

by John A. Corry

In early October, 1898, New York's Republican Party was in trouble, and its gubernatorial candidate, Theodore Roosevelt, was facing defeat. In a dramatic series of 'whistle stop' tours, in which he displayed for the first time an extraordinary power to stir audiences that has rarely been seen in American politics, he won by less than 18,000 votes out of 1.3 million cast.

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■ CULTURE WATCH ■

Just Like Ozzie & Harriet

When Hollywood liberals 'settle down'

JONAH GOLDBERG

TALK about picture-book weddings. The stunningly beautiful actress Catherine Zeta-Jones recently married movie star Michael Douglas at the Plaza hotel in New York. From the beginning, this May-December romance had been fawned over by the likes of Barbara Walters and other "journalists" committed to the idea that attractive people are profoundly interesting. When the actual wedding day arrived, it was for many countries a media event outshining even America's electoral turmoil. The event cost millions; the dress alone reportedly cost $250,000. The 350-person guest list included Walters, of course, as well as a Who's Who of Hollywood liberalism: Steven Spielberg, Anthony Hopkins, Tom Hanks, Whoopi Goldberg, Oliver Stone, Goldie Hawn, Jack Nicholson, et al. After the Perrier-Jouet champagne reception, the guests dined on lobster and lamb prepared by Donald Trump's personal chef. The five-tiered wedding cake caused no less than Martha Stewart to exclaim, "Wow! Look at that cake!" According to *People* magazine, everyone went home with a "silver Welsh love spoon engraved with the bride and groom's initials."

Naturally, there's nothing wrong with spending money or enjoying the finer things. But it does seem worth pointing out that many of those in attendance are famously committed to the plight of the common man and to opposing the influence of greedy corporations. Of course, nothing says "solidarity with the proletariat" like a lobster-and-champagne fête cordoned off by a ring of guard dogs, armed "ushers," and metal detectors.

But the display of wealth is not the most sociologically interesting aspect of the Douglas marriage. For that, we must look to their prenuptial agreement. Assuming—as pretty much everyone does—that this will end in divorce, Zeta-Jones will get $1.5 million for every year she has stayed married to Douglas. She had originally asked for closer to $5 million for every year of her tour of duty, but felt that holding out would get in the way of romance. So, in return for Zeta-Jones's acceptance of a lower figure, Douglas agreed to pay an undisclosed sum of cash up front and to fork over a $5 million "straying fee" if he—a self-confessed "recovering sex-addict"—cheats on her. In return, the love-struck Zeta-Jones agreed to a confidentiality clause barring her from revealing any personal details from their marriage—forever.

Jones, who had Douglas's baby, Dylan, in August, is reportedly "totally" in love with him. But she was nonetheless "concerned," according to friends, that her betrothed had cheated on his first wife repeatedly, including with his wife's best friend.

Madonna and child by Roman Genn

Now, is it any wonder that Hollywood liberals are eager to make discussion of "family values" totally unacceptable in public debates? Indeed, it's fairly shocking that conservatives ever have any trouble at all in the culture war. But we do. In fact, conservatives generally *lose* arguments about traditional values. In today's cultural climate it is almost impossible to discuss, say, marital fidelity, without seeming like a church-lady prude or some Grand Inquisitor just itching to apply a hot poker to sinners' anatomical zones not usually graced by sunlight. Hollywood consistently mocks those advocating more traditional arrangements and distorts their arguments; in *The American President*, for example, Douglas plays a Clintonesque figure who is attacked by mean-spirited Republican zealots, not for behaving like Fredo Corleone at the Tropicana, bedding cocktail waitresses two at a time, but for being a widower who goes on a date with a mature, *single* woman. Of course, there's also the real inconvenience that conservatives tend—like all human beings—to be sinners too, making hypocrisy an unavoidable issue.

But the existence of Republican peccadilloes doesn't change the fact that standards serve a useful purpose. Marriage serves myriad social functions, one of them being economic. Linda Waite and Maggie Gallagher argue in *The Case for Marriage* that marriage works because of the economies of scale it affords. Two people can live together for the cost of 1.6 people. Now, it goes without saying that most men can't afford to buy out their first wives for $60 million, as Michael Douglas did. And while many women may be able to come up with a reasonable number for what their "straying fee" would be, few husbands would be able to pay it.

The central message of today's popular culture is that personal liberation is the highest, if not the sole, good. In films and TV, people are heroic when they dump their wives, admit their homosexuality, or quit their jobs. Of course, personal freedom forms the core of the inalienable right to pursue happiness that America was established to protect. But Hollywood attempts to persuade

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average Americans to pursue a definition of happiness that is unattainable even for people of great wealth, never mind those of limited means.

Madonna is a case in point. Within days of the Douglas/Zeta-Jones wedding, Madonna announced that she was finally engaged to the father of her second child. This was hailed by the fawning entertainment press as further evidence that Madonna is settling down. She has, in fact, matured: She used to wear a belt buckle with "Boy Toy" emblazoned across it. Now she doesn't. Throughout her earlier phases, conservatives objected to her as a bad role model, one who convinced millions of young fans that being a sexually callous tramp was liberating, virtuous, and cool.

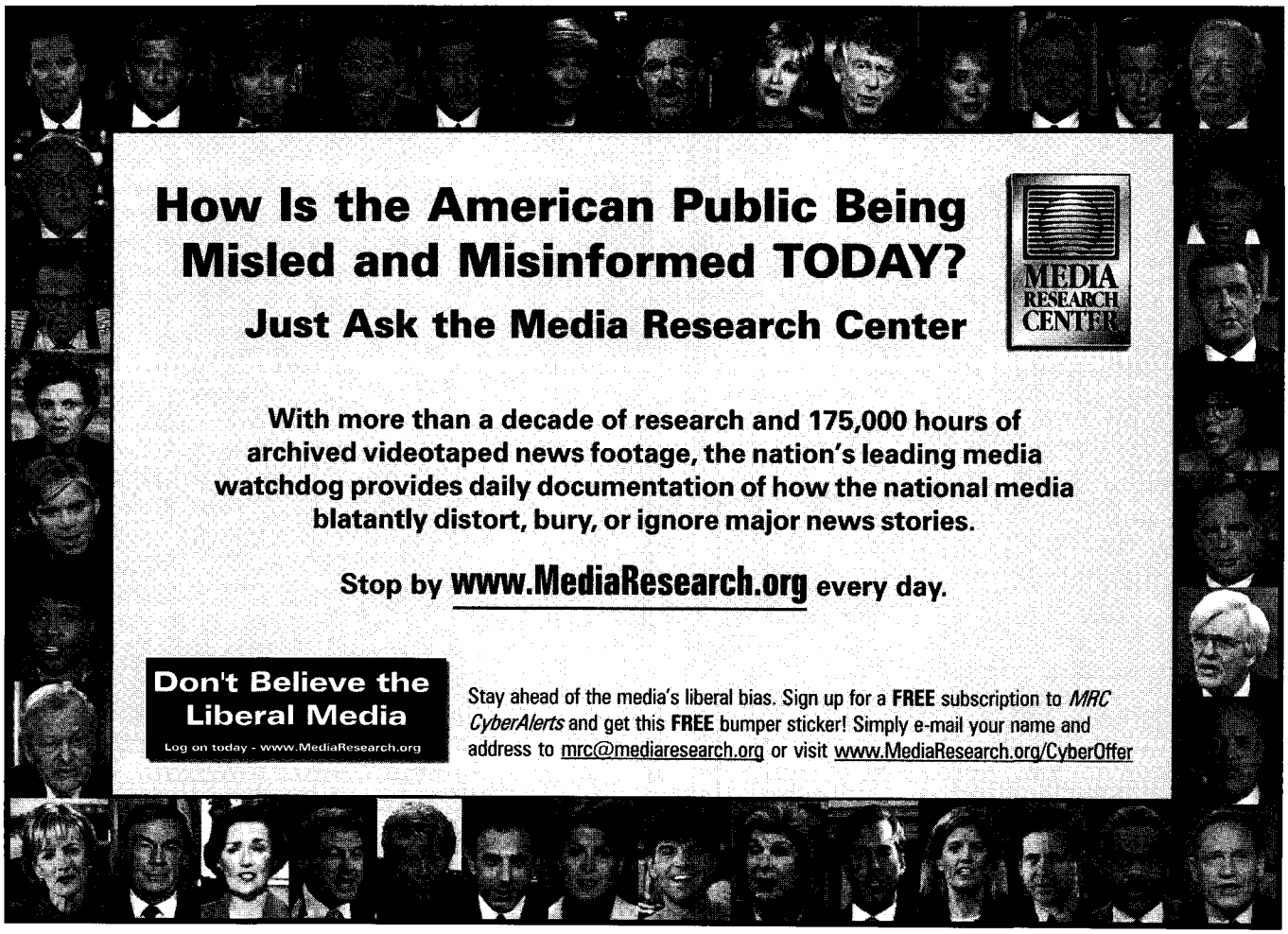
Last March, when she announced she was having her second baby, *People* magazine put Madonna on the cover. "With the sexcapades, scandals and wild times behind her, pop's former boy toy tackles the roles of adoring mother and mature woman in love," gushed the gold standard in waiting-room literature. In an interview for another publication, she said of her early days: "My God, how petulant was I? . . . I've grown up a lot since then."

Madonna is moving to Britain, where she is buying an $11 million town house and putting her kids in British schools. "It grounds you when you're a parent. I look at my children and the person I love and realize this is reality," she told a British paper. One of the things she likes most about living overseas is that she feels she can live a more normal life there. In America, she has told various papers, people don't understand her. In Britain, by contrast, her past doesn't dog her.

"I've gone through all my sexual rebellion and don't need to do it anymore. I worked it out of my system, it's pretty safe to say," Madonna told *People*. Gosh, that's great for her. But the 14-year-old daughter of a construction worker, and millions like her, who during the 1980s took her exhortations to group sex and anonymous fellatio as gospel may not now be in a position to start over in a posh London flat or demand a $5 million straying fee.

Whenever conservatives denounced Madonna in her rutting period as a bad role model, the chattering classes and the pop media simply dismissed such concerns as prudishness or creeping Comstockery. And, generally speaking, conservatives were cowed. But very few reasonable people would have disagreed that Madonna herself would eventually grow tired—and tiresome—in her public sexual adventures. To say so before she completed her trajectory was "too judgmental." But today, liberal commentators want to give her a medal for adopting precisely the bourgeois values that her "judgmental" critics charged her with trampling.

But it's not judgmentalism to point to conduct like Madonna's, and to values like those celebrated in the Douglas/Zeta-Jones match, and say: "Kids, don't try this at home." Nobody *should* emulate those values. And just as important, most people *can't*—except at a cost that can't be measured in dollars. **NR**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'Our Campaign Continues'

Gore in Florida, step by awful step

JOHN J. MILLER

On the night he wasn't elected president, Al Gore made it perfectly clear he intended to keep on running for the office—and running, and running. He didn't speak the words himself. He sent out his campaign chairman Bill Daley to declare, in front of cheering Nashville partisans, before the sun rose on November 8, "Our campaign continues!"

Indeed it did. Republicans have said for a long time that Gore would say or do anything to win. They used to mean it mainly as a criticism; they should have taken it as a warning. Gore essentially lost the state of Florida—and therefore, the presidential election—four times. First he lost the initial vote count. Then he lost the machine recount. Next he lost the late-arriving absentee and overseas ballots added to the machine recount—the result Secretary of State Katherine Harris intended to certify. And finally he lost the hand recount mandated by the Florida supreme court—the result Harris did certify. This litany of defeat has become a familiar GOP talking point, but it remains a powerful description of how events in Florida unfolded. In the face of these failures, Gore remained a study in ruthless persistence. "I have an obligation to the 50 million plus voters who supported the agenda that I laid out during the campaign," he explained in a *New York Times* interview published after Florida's certification on November 26.

Say this much for the vice president: He understood from the get-go that he was involved in a smashmouth political fight. Just as his campaign was supposed to be winding down, he cranked up his base. By 7 A.M. the day after the election, the Democrats had lawyers loaded aboard a chartered jet bound for Florida to challenge the Bush victory. An army of attorneys—spurred on by e-mails from the American Association of Trial Lawyers—followed them south. Jesse Jackson was soon on the scene, hollering about "a replay of Selma." Union workers were summoned for recount observation, and given specific instructions not to engage in any public protests that might spark anti-Gore sentiment. It was an impressive mobilization that the Bush campaign was not able to match for several days. And there was something about it the Bush campaign never equaled: the Democrats' willful mixture of demagogic rhetoric, intimidation tactics, judge-shopping, frivolous lawsuits, and the politics of personal destruction.

Gore's initial strategy was to try to seize the high ground: He aimed to portray himself as the people's choice for president. He was able to attempt this because he received slightly more total votes across the country than Bush. This of course meant nothing, even though newspapers continued to publish daily tallies of the nationwide vote beyond Thanksgiving. If either side had thought the popular-vote totals mattered, they wouldn't have run the campaigns they did—i.e., ones designed specifically to win 270 votes in the Electoral College. As Daley carried on about "the will of the people"—a powerful if empty slogan—Bush maintained a lead over Gore at every moment in Florida, the one place that would be decisive.

In the days immediately following the election, Gore supporters acted like a pack of nasty kids poking at a turtle with sharp sticks in search of a weak spot. They desperately wanted to discover arguments that would mitigate the undeniable fact that Gore had come up short. They said almost anything that came to mind. Warren Christopher called the butterfly ballots in Palm Beach County "illegal"—but it turned out they were completely consistent with Florida law, and (in fact) designed by local Democrats. Daley suggested the butterfly ballot was unfair—something he hasn't repeated since Bush strategist Karl Rove produced a similar one that is still used in Daley's native Cook County. Then the Gore camp said Reform party candidate Pat Buchanan received a suspiciously large vote in Palm Beach County, and that many Buchanan voters really intended to support Gore—yet Buchanan won only eight-tenths of 1 percent of the Palm Beach total, which was comparable to his rate of support in other counties; and he had received more than twice as many votes in Palm Beach during the 1996 presidential primary, even though he never campaigned there. Finally—perhaps because Democrats really can't stop themselves—there were charges of racism. "In disproportionately black areas, people faced dogs, guns, and were required to have three forms of ID," said campaign manager Donna Brazile. "I mean, one day before we were ahead in Florida by three points and we lost? It's like, uh-oh, somebody's doing something they shouldn't." She offered no evidence for any of this. Florida's black turnout was actually up 50 percent from 1996.

Gore's rhetorical strategy had all the precision of a shotgun blast, but his legal challenges were aimed no more carefully. His lawyers went judge-shopping. One filed a federal lawsuit in West Palm Beach to halt certification of the county vote, but pulled it the same day when the case was assigned to

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Kenneth Ryskamp, a Reagan appointee. An identical suit was then carried to state court, where it was put before Judge Kathleen Kroll, a liberal who indeed blocked the certification of Palm Beach County's vote totals. There were frivolous challenges, too, such as the one claiming Bush wasn't entitled to the 32 electoral votes of Texas because the Twelfth Amendment forbids electors from supporting two candidates from their home state. (Cheney recently headed a company based in Dallas, but he is a legal resident of Wyoming.) When a Florida court rejected the suit, it was filed again, just hours later, in a Texas court.

The most significant clashes, of course, were fought over the manual recounts. This was the one place where Gore appeared to have a principled position and public backing. "This is a time to respect every voter and every vote," said Gore on November 15. Polls suggested that Americans were willing to be patient and wait for an accurate count of the votes in Florida, and that the process could drag on for a few weeks without a backlash. The public also believed that hand counts, at least in theory, were fundamentally fair.

After Gore lost the automatic machine recount, which occurred throughout the whole state, the battle settled on four counties where the vice president requested hand recounts: Broward, Miami-Dade, Palm Beach, and Volusia. Gore had prevailed in each of these places, and his team believed they would make substantial net gains if the ballots were examined one more time.

Agence France Presse

Another Gore vote, no doubt

Volusia County completed a manual recount on November 14, before any of the other counties had begun their full manual recounts, and found 98 additional votes for Gore. In the other three counties, recounting proved to be an arbitrary and arduous experience, one that could be tilted to Gore's advantage. This was uniquely possible in jurisdictions using punch cards, which allow hand recounters to squint at the ballots, hold them up to lights, and stare at them through magnifying glasses to detect votes. The process is more imaginative than scientific. It depends on the chads—the little rectangular boxes voters are supposed to poke out of their ballots with their styluses. The chads are supposed to be punched through cleanly, but sometimes they cling to the ballot. There's a whole vocabulary describing the possibilities: "hanging chads," which dangle from a single corner; "swinging chads," which are half removed; "tri-chads," which are attached at three corners; and "dimpled chads," which are lightly dinged but otherwise fully in place.

Florida has no controlling legal authority for determining which chads count and which don't in a hand recount. State law is silent on the question. (Most other states say dimpled chads aren't votes.) That means local canvassing boards had the power to come up with their own standards and, essentially, to create new votes where they did not exist previously.

A TALE OF THREE COUNTIES

The first of the three counties to act was Palm Beach. It started a partial hand recount on November 11 in order to determine whether a full recount was worth the effort. But the three election-board officers, all Democrats, had trouble setting a standard. First they voted that a chad needed to have only a single corner detached in order to register as a new vote. Within hours they opted for a stricter rule, a "sunlight test" that required counters to see light passing through the punch card. Then they switched back to the single-corner criterion. The partial recount, which sampled 1 percent of the county vote, netted 19 votes for Gore. Democrats extrapolated that they would pick up 1,900 votes for the vice president in a full hand recount; at 2 A.M. on November 12, the board voted to conduct a full manual recount, which began on November 16.

Even then, Palm Beach officials had not decided how to count dimpled ballots. They eventually settled on a practice of crediting only those ballots containing multiple dimples, on the theory that certain voters had trouble punching their chads. Even this standard wasn't lax enough for Gore; his lawyers twice took Palm Beach to court over it, and they were rebuffed both times. In the end, the county failed to meet the November 26 recount deadline imposed by the Florida supreme court, and the state certified its machine-recount totals.

Immediately south of Palm Beach County is Broward County. On November 13, its three-member election board, two Democrats and one Republican, began a partial hand recount of nearly 4,000 ballots. This effort yielded only four new votes for Gore, so the board opted against a full recount. Then the Gore campaign threatened a lawsuit, and Florida's Democratic attorney general (and Gore's state chairman) Bob Butterworth stepped into the fray. He released an "advisory opinion" urging hand recounts. Butterworth's own website had featured a statement from a previous attorney general saying that "questions arising under the Florida Election Code should be directed to the Division of Elections in the Department of State" and that "opinions are not rendered on questions pending before the courts." But no longer. "It's not a legal restriction on my authority," insisted Butterworth, who declared that he could opine "on anything I want to." Judge Robert Lee, a Democratic member of the Broward County canvassing board, changed his mind about the recount. He defended his reversal by citing Butterworth's opinion.

Broward began its full hand recount on November 15, and the election board decided to count only hanging chads or swinging chads. "We didn't want to have to guess their intent," explained Lee. "We're not clairvoyant." But on November 19, they loosened their standards significantly; now, even dimpled chads would count as votes. Lee eventually described the rationale this way: "It's not objectively subjective or subjectively objective, but I think it's somewhere in the middle." On November 25, the board decided to apply

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this slack standard even to absentee ballots, which are different from the ones cast on Election Day because absentee voters were able to see whether they had punched out their chads. "What's being done here is this board is casting votes," said Gov. Marc Racicot, Republican of Montana, who observed the process.

Gore won the popular vote in Palm Beach and Broward Counties by big margins. Miami-Dade County was much closer, with Cuban-Americans lining up heavily for Bush and Gore taking only 53 percent of the overall vote. On November 14, the Miami-Dade canvassing board conducted a partial hand recount of three Democratic precincts. This unearthed only six new votes for Gore, so the board decided unanimously not to recount the whole lot. Three days later, it switched course and decided to conduct a full recount after all; that process began on November 20. In a matter of hours, however, the board realized it didn't have enough time to count them all. So it chose instead to focus on 10,750 "questionable" ballots. This raised new concerns—they were no longer conducting a full hand recount, but a sample of a full hand count. So, on November 22, they decided to return to their earlier decision and not recount at all. Democrats screamed at this, and tried to make it sound as if a few Republican protesters had intimidated the Miami-Dade officials into abandoning the recount. It was a silly claim, and it masked an underreported detail: Gore's victory in the county was so narrow that he was unlikely to net many votes there.

Democratic officials tainted the manual-recount process from the beginning by pressuring election-board officials. Bob Butterworth didn't simply issue his opinion; he picked up the phone to urge the canvassing board in Volusia County to conduct a hand recount. The members seemed to resent this—they complained about it to the media—but two hours later, they voted the way Butterworth wanted. Warren Christopher also worked the phones. He called Bruce Rogow, a Democratic lawyer for Palm Beach elections supervisor Theresa LePore, and asked him to do what he could to ensure a hand count. "It was an effort to have me persuade my client to vote in favor of starting the manual recount," said Rogow, according to the Associated Press. "I told [Mr. Christopher] no. I told him we'd have to wait." But the Gore campaign didn't have to wait long: Palm Beach did agree to a hand recount.

For all their meddling, Butterworth and Christopher escaped the treatment heaped on Bush backer (and statewide elected official) Katherine Harris. When she was pinpointed as a potential headache for Gore, Democrats distributed a three-page memo on her background. Gore spokesman Chris Lehane accused her of "acting in the finest tradition of a Soviet commissar." Paul Begala labeled her "Cruella De Vil coming to steal the puppies." Shortly after these comments were made, Gore called on Bush "to improve the tone of our dialogue in America" and asked both sides "to refrain from using inflammatory language." Apparently his own side wasn't listening, because the next day, MSNBC's Chip Reid reported on Gore aides who "said that if George Bush does get into office with [Harris's] help, the investigation into her role in this entire situation will make Whitewater look like a picnic."

The most disgraceful example of this scorched-earth strategy was the effort to disqualify overseas ballots, mainly cast by men and women serving in the military. These traditionally have tilted heavily toward the GOP; this year, in fact, they ran about 2-to-1 in Bush's favor. The Democrats did all they could to invalidate them. On November 15, Democratic lawyer Mark Herron sent out a five-page memo on how to disqualify military ballots. In Duval County, Gore lawyers objected to signatures that literally didn't dot i's or cross t's. Throughout the state, overseas ballots were rejected at a rate of 40 percent—almost double the rate from four years earlier, according to the *Miami Herald*. Some counties seemed to have a special passion for disqualifying them. In those carried by Gore, the rate of rejection was 60 percent; elsewhere, it was 29 percent. Broward County received 396 overseas ballots and invalidated 304 of them.

VOTES OUT OF THIN AIR?

The controversies emanating from Florida seemed to have no end. The canvassing board in Gadsden County, controlled by Democrats, reexamined a stack of ballots behind closed doors; they found 170 extra votes for Gore. *Time* magazine reported that Gore gained 417 votes when election officers in Pinellas County, which went for Gore, tinkered with ballots before submitting them for a machine recount. There was old-fashioned vote fraud, too. The *Miami Herald* revealed that at least 39 felons—most of them Democrats—cast illegal absentee ballots in Broward and Miami-Dade counties.

Despite all this chicanery, Gore kept on losing. The vice president continued to press lawsuits after the Florida certification, in the frantic hope that some court, somewhere, would overturn the election. But even if that doesn't work, Gore may have a final strategy that will deliver him the prize he has sought his whole life: an Electoral College upset. A few Bush electors have said they've been contacted about switching their allegiance to Gore on December 18. So far, there appear to be no takers. But some Republicans worry about blackmail. Democratic activist Bob Beckel admitted he's investigating the backgrounds of Bush electors. "It is information gathering on my part, using my own network," Beckel told the *Wall Street Journal*. "I call on mostly Democrats, but some Republicans, too, and ask, 'Who are these electors, and what do you know about them?' I just wanted to know who these electors are."

It doesn't take the brightest crayon in the box to figure out what that's supposed to mean. There's no reason to think Democratic dirt-diggers couldn't pull off a shocker. This fall, the Bush campaign nervously waited for an "October surprise" that didn't come. Then there was a November surprise—the news about Bush's drunk-driving arrest. Who's to say there couldn't be a December surprise, too—a final dirty trick being prepared for the Electoral College vote on the 18th? "I completely disavow any effort to persuade electors to switch their support from the candidate to whom they are pledged," said Gore on November 21. (Beckel, for his part, has declared he won't back off.) It may all come down to what Gore thinks the meaning of "pledge" is. What a fitting way to mark what might be the midpoint of the Clinton-Gore years. **NR**

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The Only Fair Way

What the rule of law should look like

RICHARD A. EPSTEIN

As the torrid electoral dispute between Bush and Gore works its way to its conclusion, anxious citizens have been forced to reflect on the proper balance between a just substantive law and the workable procedures needed to implement it. The refrain of the Gore forces employs the rhetoric of aspirations: Let justice be done; let every vote count; let the true intention of each voter be determined. The Bush camp offers the opposite approach: Let consistent rules govern election outcomes; let simple tests determine what counts as a vote; and let the principle of finality govern. The time is therefore propitious to step back from the present political brawl to ask how a well-run legal system routinely reconciles these twin demands. Aspirations would always prevail if the operation of a legal system were costless and error-free; but it obviously is not. How, therefore, must we temper these aspirations—and minimize the administrative imperfections at the same time? The oft-neglected virtues of process and formalism must come into their own.

Mr. Epstein is a professor of law at the University of Chicago.

BEDROCK PRINCIPLES OF THE LAW

One bedrock legal principle condemns retroactive changes in the rules. Even if the older and established rules could easily be inferior to some proposed alternative, the parties to an ongoing dispute still have the right to rely on them. If the law, for example, says that a will shall be valid once it is signed, then it should not be invalidated because it was not notarized; if the law requires the will to be both signed and notarized, then it should not be counted valid if signed but not notarized. The enforcement of existing law must be kept separate from law reform; legislative changes should be applied only to future transactions. The common saw "Don't change the rules in the middle of the game" represents a powerful bulwark against bias, opportunism, and favoritism.

The law's concern with formal virtues is also illustrated by the law of contracts. It is generally accepted that private contracts should be performed in accordance with the mutual intentions of the parties. But how are those intentions to be determined once the parties start to squabble and each side has an incentive to shade the truth or even lie? A judicial search for unexpressed intentions would quickly degenerate into a hopeless swearing contest. So the law typically allows only outward expressions of intention into evidence, even if philosophers rightly praise the subjective nature of intention. A buyer cannot ordinarily back out of a deal by saying that he

... in this world nothing can be said to be certain, except death and taxes."

—BENJAMIN FRANKLIN, 1789

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meant to buy the seller's horse, and not his cow, for $1,000. Each party is entitled to rely on what the other says, so long as the stated intentions look reasonable from the context. It is too dangerous to let the seller back out of the deal if the value of the horse drops to $500.

In the same vein, the parol evidence rule normally excludes oral evidence offered to vary or contradict the terms of a written agreement. Written agreements are a good way of avoiding "he said, she said" disputes, and courts wisely refuse to open the floodgates by letting in oral evidence—which is, in general, less reliable than the written evidence it is said to supplement or contradict. Indeed, sophisticated parties often stipulate that their written agreement counts as their entire contract, no matter what oral communications have passed between the parties. Similarly, the fraud statutes in every state provide that certain contracts, such as those for the sale of real estate, are enforceable only if done in a writing signed by the party to be charged. This rule helps avoid endless wrangles over when negotiations did—or did not—ripen into a binding agreement.

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The formal rules work—by giving all people the incentive to say (and write) what they mean, and to mean what they say (and write).

■

None of these formal requirements is meant to restrict the freedom of contract; their purpose is to force contracting parties to create a careful record at the outset, to reduce the stresses of litigation later. No one knows how to dispense with these forms in cases where the true intentions of the parties diverged from what they said or wrote. To allow systematic breaches of these formal rules is to undermine the security of exchange indispensable to a market economy. But the conscious price we pay for our devotion to formalism is an unjust outcome in the occasional case: A rogue may escape from honoring an oral promise to sell his horse. But in the long run the formal rules work—by giving all people the incentive to say (and write) what they mean, and to mean what they say (and write). Sensible formal precautions thus reduce the frequency of misunderstanding.

Paradoxically, then, formalism *increases the overall reliability* of the system, by eschewing futile efforts at administrative perfection. Any inquiry into subjective intention will make more mistakes, at greater cost, than the formal rules that it displaces. Yielding to the temptation to measure subjective intention will increase in practice *both* the rate of error and the cost of adjudication.

The law that prizes formality also prizes finality, through the vital procedural rules of res judicata: Disputes are litigated on their merits once, not twice. Of course, the first round of litigation on the merits could have resulted in error. But that possibility hardly justifies the delay, cost, and uncertainty of a second trial, whose outcome is likely to be no more reliable than the first—and perhaps less so, if the passage of time has dulled memories and degraded evidence. The exceptions to the rule are in general very narrow; and only rarely does newly discovered evidence come to light after the first trial is completed. As with rules of form, res judicata induces people to make their best shot first, and then requires them to live with the result. If a litigant misses his most promising line of attack or defense the first time through, too bad. Over the long run, we have fewer trials—and they are better handled—under res judicata than we would in a system that gave a disappointed litigant as many bites at the apple as he desired. Once again, in the long run, the tough procedural rules do not frustrate, but rather promote, the desired substantive outcomes.

BLACKSTONE GOES TO PALM BEACH

These insights on retroactivity, form, and finality have clear implications for the current Florida electoral debacle. First, using punch-card ballots requires formulating a rule on what conduct counts as a vote. Everyone agrees that when the chad is punched out, the vote counts. But what if the chad is left hanging on two or three corners, or is dented but not removed at all? Here the first inquiry is whether the law has already chosen its rule for counting ballots. If so, then however unwise it may be, we must adhere to it religiously, to avoid the problem of conjuring up counting rules after the race has been run. The rule in Palm Beach County dates from 1990 and—in accord with national standards—unambiguously provides that a dimpled chad does not count as a vote. As a legal matter, that determination should end the matter, no matter what one thinks of its actual wisdom. The merits of this rule were extensively debated behind what John Rawls termed "the veil of ignorance"—that is, when debaters could not know which rule would help or hurt them in the future. In that setting, the only way to help themselves was to select the best and most reliable rule. Alas, once a particular dispute takes place, the candidate who is behind will always seek to expand the universe of votes, while the candidate in the lead will seek to circumscribe it. But neither has disinterested motivations, no matter how sincere his devotion to the rule of law or the will of the people. All changes in standards should be allowed only prospectively, not retroactively. As a consequence, Gore loses.

But suppose we now ask, Which rule *should* be adopted behind the veil of ignorance? I think Palm Beach chose the right rule on the merits in 1990 by refusing to count dimples as votes. Any electoral count requires the counting of huge numbers of ballots in a very short time. The standard punch-card ballot offers all voters an easy and clear way to express their intentions. In contrast, the dented chad is capable of two readings: The voter touched it by mistake; or the voter did not execute the intention to vote by pushing the chad all the way through. It is just too chancy to determine after the fact which scenario holds for hundreds of anonymous voters. Before the election, letting all (or some) of these votes in or keeping them all out does not bias the outcome one way or the other. But the risks of fraud and delay are both lower if these ballots just don't count, whether in Palm Beach or in the Panhandle.

In refusing to exclude the dimpled votes, the Florida supreme court cited the 1990 Illinois decision *Pullen* v. *Milligan* as allowing a manual count that reflected the voter's intention

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to a reasonable certainty even though the machine could not count it. But a *Chicago Tribune* story subsequently made it clear that even under this standard, *Pullen* held that dented chads did *not* express that clear intention. Only those chads that had been far enough removed to allow a beam of light through counted in the Illinois case—a litmus test for intention that is both simpler and more reliable than any elusive search for what the voter meant when he indented a chad.

The Florida supreme court's recent decision also allowed the county boards to continue with the hand recount, noting that "our society has not yet gone so far as to place blind faith in machines" and recognizing that "humans routinely correct the errors of machines." But it is one thing to allow a recount to correct for an "error in vote tabulation," as the Florida statute requires, but quite another to use the manual recount as an occasion to change the definition of what counts as a vote. The *Pullen* standard deftly avoided that risk.

Nor did the Florida court pay sufficient heed to the principle of finality and the importance of res judicata. Why should we think *one* manual recount is less prone to error than *two* machine counts? Election laws generally show a high respect for the principle of finality because (from behind the veil of ignorance) most legislatures recognize that the manifest risks of bias, fraud, and mistake are magnified by any hand recount that drags on for days. Courts and administrators should resist the temptation to depart from that basic conception *after* battle lines have been drawn, when gloomy estimations of human conduct all look as though they are being directed personally at this or that canvassing board. It was in part to avoid these struggles that Florida's badly drafted statute contemplated a short period for recounts to take place. The same principle also explains why the Miami-Dade board made the right decision in calling off its manual recount after the Florida supreme court extended the deadline to November 26.

In truth, much of the bitterness, delay, and animosity in the Florida recount could have been avoided if the entire recount process had been conducted with an eye toward the traditional legal concerns with retroactivity, form, and finality. An actual legal dispute is the absolute worst time to reconsider first principles. If Palm Beach County had understood the prohibition against retroactive rule changes, its *first* decision would have been to follow its own established rule of not counting dimpled chads. That one decision would have allowed the process to come to closure without the endless disputes and controversies that have divided a nation and placed its legal system in turmoil. No one doubts that a general election is meant to ascertain the will of the voters, in close elections as much as landslides. But once this present election war subsides, all weary combatants should realize that social justice is best advanced by announcing clear and simple voting rules in advance, and then adhering to them assiduously through thick and thin, no matter what the outcome. **NR**

"ALL MEN BY NATURE DESIRE TO KNOW."
ARISTOTLE

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The GOP's Black Problem . . .

. . . and the blacks' GOP problem

WARD CONNERLY

WELL, I knew it would happen sooner or later. With the election of George W. Bush beginning to look likely, "leaders" of the "black community" are starting to do a little damage control. A recent headline in the *New York Times* read: "Black vote a concern for GOP." The subhead was, "Lawmakers: Bush will have fences to mend if he is elected."

So *Bush* has to mend fences? What awful deed did he or the Republican party visit on the black electorate that he should have to mend fences? This question inspires serious reflection on the relationship between the GOP and black Americans, and on the strategy that Bush used to appeal to black voters.

With the razor-thin margin in Florida, many of us have been playing the game of "what if": What if Bush had done this, and what if Al Gore had done that? Well, here is one "what if": What if the Florida supreme court had allowed an initiative on race preferences to appear on the 2000 ballot? And what if Bush had taken a strong stand against those preferences?

When I first raised the issue of preferences with another Gov. Bush—Florida's Jeb—in January 1999, I was quickly reminded that race has become a "third rail" issue for Republicans. The GOP, I realized, was embarking on a crusade to show their hearts to a voting segment whose leaders see white hoods everywhere. These race professionals reinforce a victim mentality that cripples many of their fellow blacks and preserves reliance on government and the black power structure. In a contest to show who has more compassion, the GOP would be preaching what blacks wanted to hear, not necessarily what they *needed* to hear to achieve greater individual freedom and opportunity.

Jeb Bush, fearing that this "divisive" issue would harm his brother's campaign, acted last fall to preempt what I was proposing—the Florida Civil Rights Initiative—by ordering the elimination of some preferences while replacing others with a policy of "race consciousness" that was distinct, but not different, from old-style preferences. The Florida governor said he was "a lover, not a fighter." He acted in part because he believed the myth that increased black turnout on referenda such as mine would devastate Republicans. I continue to find this notion mind-boggling, because the large number of voters who have strong feelings against preferences would easily overwhelm pro-preference blacks at the ballot box.

Consider the findings of a national Gallup poll taken shortly before Election Day. Eighty-five percent of those surveyed opposed race preferences. Even 81 percent of *Democrats* opposed them. So why are Republicans so timid about taking a principled stand against something that is overwhelmingly opposed by the American people? Why are they so politically deferential to a voting bloc that has shown them nothing but contempt, time and time again?

For an answer, we may look to Sen. Joseph Lieberman, who was forced by the likes of Maxine Waters to recant his position on preferences. When it comes to race relations in America, we find many politicians who follow the advice of the old New York mayor, Jimmy Walker: "There comes a time when all politicians must rise above their principles." And if the choice is a) defend the principle of equal treatment under the law and b) appease bullies like Maxine Waters, there is sadly not much difference between Lieberman and the GOP.

Jeb Bush's compromise precipitated a black boycott of his party—but then, that would have happened anyway. The irony is this: Because Jeb took the preferences issue out of voters' hands, black opposition to his brother's presidential aspirations was not countered and overwhelmed by a larger turnout of voters who would have been energized to end preferences.

It is a political myth that the Republican agenda of "cultural issues" has made the GOP inhospitable to "minorities." Part of this myth is derived from the Democratic trend in California since the mid 1990s. Some hypothesize that the anti-preferences Proposition 209, which passed in 1996, was responsible for Republican losses. But the facts do not support this theory. No study has shown how such a popular issue worked against its supporters, particularly if their support was based on a commitment to equal treatment and opportunity, and not crass politics or cynicism.

As elections and polls have demonstrated, the issue of preferences has remarkable crossover appeal among rank-and-file union members, independents, moderates, liberals, suburbanites, Democrats, Hispanics, women, and—yes—blacks. There is substantial to overwhelming support in every demographic group for ending preferences, a prospect that frightens the Democratic party but one that is inexplicably lost on the Republicans. That is why Al Gore tried to make "affirmative action" the battlefield instead of "race preferences." And by avoiding the issue, Bush gave Gore the home-court advantage.

My own view is that, for the good of the nation, Republicans should concern themselves about the principle, not the partisan effects, of race preferences and let the chips fall where they may. But even the most casual political observer must wonder how politicians who support a preference ban in good faith and for all the right reasons can be harmed in the final equation if they stick to their principles. As Prop. 209 coauthor Tom Wood observes, if a politician is not adroit enough to run on a winning issue with compelling constitutional and moral arguments in its favor, then he deserves what befalls him.

Blacks are the only voters in America who stoutly defend race preferences and who apply a litmus test to candidates on the basis of that issue. But Republicans never pass muster with blacks anyway—so what have we got to lose? If preferences are morally incoherent and constitutionally suspect, and our opposition to them can energize other voting blocs, why are we reluctant to support an end to preferences and the reign of true equality? In response to this question, I often hear from professional Republicans that it is simply "too

Mr. Connerly is the author of *Creating Equal: My Fight Against Race Preferences.*

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hard" to convince blacks that preferences should be ended. Thus the decision to acquiesce in their continuation.

Yet here is a hard truth: When it comes to race in America, leadership requires directly addressing the misconceptions of the flock and the race-baiting of certain shepherds. Without that kind of commitment, there will be no fundamental change and respect from the targets of conversion. That is, in part, why Bush lost the black vote by a larger margin than Bob Dole did in 1996. Blacks voted for Gore 90 percent to 9. In his home state of Texas, Bush lost by a whopping 93 to 5. It doesn't get much worse than that. If politics is sometimes a game of inches, the disparity between Gore and Bush with respect to the black vote amounts to football fields, not inches or even yards.

To be fair, there were many powerful factors at work. The Democrats and their allies spent hugely on black turnout, and this money was supplemented by a campaign to promote fear—a despicable campaign waged by black leaders as well as by Gore himself.

So what did George Bush do about this effort to solidify the black vote against him? Substantively, his responses were inadequate or vague, with the effect of appeasement, not inspiration. Symbolically, however, no one can fault the good-faith effort of Bush to reach out to black Americans. He did everything possible to let them know that he respected them and wanted their support. He even distanced himself from backers like me to make sure that he didn't send the "wrong message" to blacks. He spoke at the NAACP's annual convention and (needlessly) portrayed his party as not always sympathetic to black people. He gave Colin Powell a prime-time spot at the GOP convention to bash us opponents of race preferences. And at the end of the day, what did Bush get? What did he have to show for his investment? Nothing—zero, zilch, nada.

Here is the nub of the matter: The black vote will remain captive to the Democratic party as long as black people see themselves as victims and view the Democrats as the party of "civil rights." Until black people lose their vulnerability to false and exploitative appeals to these (bogus) "civil rights," it is an exercise in futility for Republicans to modify their basic policy positions in an attempt to garner black support or to suppress that support for Democrats. As the Bush brothers and other Republicans should have learned from this election, no matter *what* they do to reach out to black voters by demonstrating their "compassion" for them, the black establishment is determined to demonize them. If Republicans are silent or fuzzy on race preferences, Democrats will accentuate their positions on "hate crimes," "racial profiling," the Confederate flag, Bob Jones University, and the like.

An old country song advises one to "know when to hold 'em, know when to fold 'em." With respect to Republicans who actively seek the black vote, my counsel is to "fold 'em," because you don't have the cards. This doesn't mean that the GOP should not want black support. It simply means that a different approach is required—one of benign neglect. Treat black voters the same way you treat white voters, or Asian voters.

The 9 percent of black people who vote Republican do not do so on the basis of racial identity. They do so on the values and principles they find attractive in the Republican party. They do so because they have come to realize that "civil rights" no longer transcend other matters in their lives. For them, as with the overwhelming majority of other Americans, their civil rights can be presumed and need not be preeminent in their political calculations. In 1996, that profound philosopher and NBA great Charles Barkley was asked why he supported Bob Dole. The questioner prefaced his question by saying, "Don't you know that Dole is in favor of the rich?" Barkley's response: "I *am* rich, you a**hole!"

When more black people recognize that the quality of their children's education and the bite of their taxes are far more important than the remote possibility of being the victim of a "hate crime," they will seriously consider the Republican party. Until that reality catches up with and sinks into the consciousness of the typical black voter, the black vote will continue to be cast on the basis of the false symbolism of the Democratic party as the party of "civil rights."

To be blunt, it is absolutely insane for black people to conclude that Al Gore would be about ten times (90 percent to 9 percent) better for them than George W. Bush, when the rest of the nation is evenly divided. Something is wrong with this picture—and it is not the Republican program.

Being the decent man he is, a President Bush would probably make nice to the black establishment—the NAACP, the Congressional Black Caucus, Jesse Jackson—once he were sworn in. He would open his doors to them and use the next four years to build on his 9 percent of the black vote—in the hope of raising it to maybe 10. That would be a mistake, because in 2004 they would kick him in the political groin once again, just as they always do to Republicans. The more appropriate course of action is that old political adage "Reward your friends and punish your enemies." Yes, President Bush must be president of all the people, but it is not necessary that he give legitimacy to the NAACP and others who did everything possible to defeat him, and in the slimiest, most hateful ways. If more black people realize that by putting all their eggs in the Democratic basket they run the risk of being shut out if the Democrats lose, perhaps they might begin to rethink their political options.

It seems to me that the question is no longer "What can Republicans do to earn the support of blacks?" but "Why are blacks so out of touch with the rest of the country?"At some stage, for their own good, black people will have to be weaned off their political addiction to "civil rights" issues. Those who exploit black voters by appealing to their vulnerability on "civil rights" are no friends of black people. They are manipulators.

Of course, the self-anointed representatives of "the black community" often hide behind the moral fig leaves of "inclusion" and "diversity." In fact, though, they have little interest in the black underclass—those who lack jobs, education, and employable skills, who face crime and drugs in their neighborhoods, and who pay more for goods and services because there is no competition for their purchasing power in their communities. The terrible truth is that the black establishment has become intensely partisan, intolerant, self-centered, power-crazy, vindictive, mean-spirited. This establishment must be confronted, not accommodated.

In a game of inches, the Republicans have not wanted even to touch the ball. But they should shake their fear, straighten their backs, and run it up the field. And win. **NR**

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HELP!!!!

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"Do you realize the size of the bureaucracy we'll need to enforce these?"

THOSE DIMPLED CHADS

Some have a puffy pregnant look:
In Broward County, counters took
Such blowsy chads to Al Gore's pile;
While others, dimpled in a style
Suggesting some enfeebled crone
Had pressed without much muscle tone,
Were similarly cast for Al.
The word you're searching for's "cabal."

—W. H. VON DREELE

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BETHESDA MENTAL HEALTH CLINIC
CONFIDENTIAL DOCTOR'S NOTES

PATIENT: Albert G.

11/8/00
Patient arrived exhausted, vaguely coherent, showing disturbing signs of paranoia. "I'm a winner," he continually cried. "I won the popular vote," he insisted. "Why is being popular so important to you?" I asked. Choking, he says, "because I've never felt popular before, and now they're trying to take it away." Patient begins role playing, with doctor in the place of "Dad." "Son" tells "Dad" that he's sorry that he lost, and that he'll soon be seeing him in "the bosom of heaven." Doctor takes this as veiled suicide threat, places patient on immediate course of antidepressants and mood stabilizers.

11/10/00
Patient arrives furious. His confidence is back—as is his aggression. Spends the entire session e-mailing associates, taking phone calls, and using laptop to surf the web. When doctor reminds patient that this is important time to use for health concerns, patient becomes belligerent and threatens to sue doctor.

11/12/00
Patient arrived in full stage makeup. Says nothing for several minutes, refers all questions to his attorney, Mr. David Boies. Complains about a "sports-related injury." Apparently, during a touch-football game, patient twisted his right ankle. Doctor commends patient for keeping physically active; reminds patient that 30 minutes of daily physical activity brings mental-health benefits.

11/20/00
Patient arrives and immediately surrounds himself with American flags. Euphoric, upbeat. Has recently won an important court case. Patient proclaims doctor on the "short list" to be Surgeon General. Doctor expresses concern that patient isn't quite in the position to make such an appointment, as Palm Beach county has declined to continue its recount. Patient hadn't heard. Patient and doctor spend the rest of the session watching "Hardball" together.

11/27/00
Patient arrived exhausted, vaguely coherent, showing disturbing signs of paranoia. Suggest course of drug treatment, beginning with sedative (Valium, Darvon), ending with Prolax or Serentol. A mix of drugs may be the only way to keep patient stable.

CAPITOL HEALTH PROVIDERS, INC., AUSTIN, TEXAS
PHYSICIAN'S NOTES

PATIENT: G. W. Bush

11/8/00
Fella comes in with a big old oozy thing on the side of the head. Big old black oozy thing. I say to him, "Buddy, where you been stickin' your face? Looks like you went bobbin' for apples in a barrel of ticks!" He kind of laughs and says to me, "Doc, just you got some kind of bandage or ornament for this mess here?" And he points to it and kind of picks at it. He's just about to jab a big old fingernail into that ugly black thing so I have to get into his face. I say to him, "Bud, stop pickin' that! That there's a boil or a scab or some other ugly oozy thing and not some kind of crispy cheese, you damn fool." And he says to me, "Don't you just love that crispy hard cheese on the side of a plate of enchiladas?" And I say to him, "Sure do, bud." And we just kind of smile, thinking about how good that cheese can taste, you know?

11/12/00
Fella comes back with the big old black bump taped up with tape and gauzy stuff. "Whatcha got there, amigo?" I ask him. "Same thing, Doc," he says to me. "Still got this thing on the side of my head, only now I got it all taped up." I take a look at the tape. Pretty good job, it seems to me, and I tell him so. "The wife did it yesterday," he says in reply. "You hold onto that wife. She's good with the tape," I say. And he sort of nods and kinda laughs like there's no way he's gonna let her go. We kind of sit there for a moment, enjoying the quiet. I light myself another cigarette. "Hey, bud, how's your dog?" he asks me, and I tell him, and we get to talkin'.

11/22/00
Bud kind of breezes in, snappy-like, in a hurry. Big old black thing on the side of his face is pretty much gone now. Little sticky marks where the tape sticky stuff stayed on. "Looks pretty good," I say to him. "Yeah," he says, "the wife peeled off the tape this morning. Hurt like an SOB." I laugh. I say "Hey, bud, any idea at all what the hell that ugly black oozy thing was?" And he kind of looks at me and shakes his head. "You're the doc," he says to me. And then we both just bust out laughing. Got a few minutes before my next patient, so him and me have a drink—I take a whiskey and he takes a Coke (fella don't drink, I guess)—and we sit there jawin' about this and that.

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BOOKS, ARTS & MANNERS

High Priest of Liberalism

ARTHUR HERMAN

A Life in the 20th Century: Innocent Beginnings, 1917–1950, by Arthur M. Schlesinger Jr. (Houghton Mifflin, 523 pp., $27)

SINCE World War II the American historical establishment has taught us to see the New Deal as our national epiphany and Franklin D. Roosevelt as, if not the father of his country, then its savior. No one has been more central to this effort than Arthur Schlesinger Jr. He has taught at Harvard and held a distinguished chair at City College of New York. He served as special assistant to President John F. Kennedy. He has won two Pulitzer Prizes, for history (1945's *The Age of Jackson*) and biography (*A Thousand Days*, his 1965 encomium to the Kennedy years). He has collected honorary degrees by the handful and weighs in before congressional committees on matters as disparate as waging war in Kuwait and the impeachment of Bill Clinton (he was against both). No American scholar has been in the public eye for quite as long. Certainly none better fits the term that Schlesinger himself virtually coined, the "public intellectual."

Given Schlesinger's ubiquity over the last 50 years, one would expect his memoirs to be a self-defining statement—a measure of the man in its complexity, depth of insight, and broad historical sweep. Not as profound perhaps as *The Education of Henry Adams*, the classic autobiography by an American historian, nor as brilliant as his friend Dean Acheson's *Present at the Creation*, which captures America's emergence as a world power after World War II; but certainly something within hailing distance of both.

Arthur M. Schlesinger Jr. by Roman Genn

However, this is not what we get in this first volume of Schlesinger's memoirs. What we do get is a datebook summary of Schlesinger's daily life and a dizzying cascade of name-dropping: authors, playwrights, professors, politicians, actors and actresses, bureaucrats, and journalists he has met, interspersed with chatty commentary. Not a single insight or reflective moment breaks the incessant rattle of names and trivial incident. This first of two projected volumes stops short in 1950, before the real meat of his public career gets to the table—standard-bearer in the liberal battle against McCarthyism; advocate for Adlai Stevenson and John F. Kennedy; enthusiast for and then critic of the war in Vietnam; excoriator of Richard Nixon and Ronald Reagan. This is one reason—though not the only one—why, despite the words of praise that decorate the jacket ("the finest historian of our age," gushes Doris Kearns Goodwin, "insightful and absorbing," writes Henry Kissinger), *Innocent Beginnings* is in the end a disappointingly, even disturbingly, superficial record.

Some of this jaunty blankness, which typifies so much of Schlesinger's career, may be self-protecting. His father, Arthur M. Schlesinger, was a major historian at Harvard, while on his mother's side young Arthur was related to the towering 19th-century historian George Bancroft. Others might have found this weighty legacy stifling, even crushing. Not Schlesinger. Instead of feeling the need to forge his own identity, he changed his middle name so that he could become Arthur M. Schlesinger Jr. He thus decided early on to use that legacy for the access to opportunity and privilege it offered.

This was quite understandable, and in some ways even admirable: no adolescent identity crisis for the young Exeter graduate who entered Harvard in 1934. But it also meant that careful thought and introspection were banished from his repertoire. Absorbing his father's strong social-democratic views virtually without question, he added to them the intellectual and social snobbery of Harvard Yard. At one point he mentions working one summer as a messenger for a Boston newspaper and his reaction to the ordinary human types he met: "My fellow messengers, I felt, had been condemned by circumstances to mediocrity, whatever their innate abilities might be; this hardly seemed a fair way to run a society." Devising ways to make society more fair—presumably so that more people could be exceptional like Arthur M. Schlesinger Jr.—became his consuming political passion.

Snobbery also protected him from the blandishments of 1930s Marxism—"one

Mr. Herman is author of *Joseph McCarthy: Reexamining the Life and Legacy of America's Most Hated Senator.*

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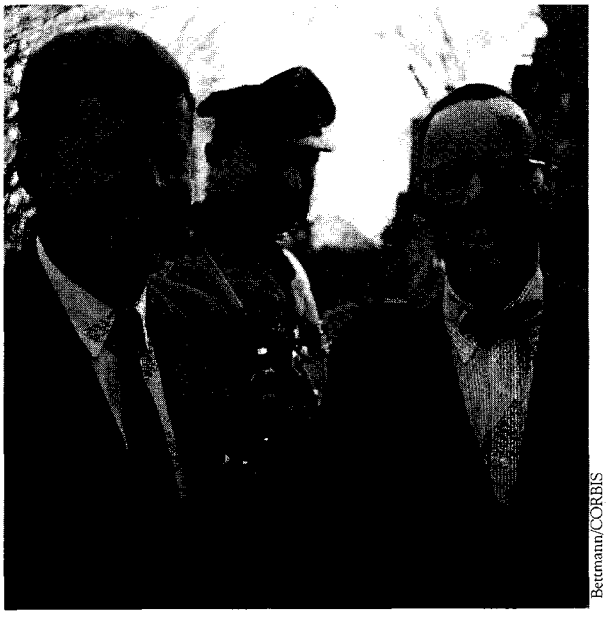
of the chief things I have against Communists," he writes to a friend in 1935, "is that they do not know how to argue in a quiet, restrained, and intelligent manner." Throughout the book he mentions how "undistinguished" Communists and their fellow travelers were, how "crude" their ideology. It is the same lower-class uncouthness he read in the faces of Communism's conservative foes, such as Whittaker Chambers and Joe McCarthy, which turned him off the political Right and its middle-American allies. Instead, Schlesinger emerged from Harvard and the war years as a man of the non-Communist Left, an intellectual with a taste for history, sustaining himself on the buoyant optimism generated by his father's historical theory expressed in the influential 1939 essay "The Tides of American Politics": that despite occasional ups and downs, New Deal liberalism represented America's true destiny.

Those two interests, politics and history, came together in his first important book, *The Age of Jackson*. Important may be too weak a word: The book made the blatant judging of historical events in light of current cultural debates—a practice historians had generally viewed as a vice—into a full-blown virtue. Schlesinger turned Andrew Jackson into a precursor of Franklin D. Roosevelt, a passionate democratic reformer instead of a crude and willful tyrant. Jackson's supporters, too, were not the wild-eyed frontiersmen described by earlier historians but farmers and laborers, the same huddled masses who clustered at the foot of New Deal big government; and his opponents in the 1830s turned out to be the same big-business reactionaries who opposed the New Deal in the 1930s. Jackson had invented a new role for the federal government, Schlesinger asserted: to make life better for the deserving many rather than the wealthy few, and he refashioned the Democratic party, once the voice of Jeffersonian individualism, into an instrument of reform and progress in American history.

Thanks to Schlesinger, Roosevelt's New Deal, which had begun to come under assault after the war, found a new historical warrant. Far from being an unprecedented growth of government, it was the culmination of American democracy, while its Republican opposition—"the Old Order," as Schlesinger termed it—wound up on the rubbish heap of history. Schlesinger quickly expanded that warrant with three books on the coming of the New Deal published in the '50s, while other liberal historians—including Harvard's Frank Freidel, Columbia's Richard Hofstadter and William Leuchtenberg—added their weight to the argument. Together these liberal historians consecrated the New Deal on the altar of American democracy and deeply marked the discipline of American history as a liberal preserve.



Bettmann/CORBIS

Schlesinger and President-elect Kennedy in Cambridge, Mass., January 1961

The Age of Jackson made Schlesinger's reputation, not only as an historian but as a champion of liberalism. Having fended off its enemies on the right by revealing that the tides of American history ran against them, he now took on its enemies on the left. His memoirs make clear that what alarmed him most about Stalinism was not its appalling trail of human destruction but the threat it posed to the Democratic party and its claim to represent the progressive political Left. It was to dispose of that challenge that Schlesinger undertook what he dubbed *The Vital Center*.

Schlesinger's scathing denunciation of Stalinism from a liberal perspective, published in 1949, still makes for bracing reading—especially given the abrupt about-face in liberal attitudes toward Communism that took place just a couple of decades later. The book's basic thesis was that in the wake of the defeat of Nazism and the exposure of Stalinism as a similar system of tyranny, moderates on the non-Communist left and non-Fascist right could come together to occupy the political high ground, turning democracy into a "fighting faith" and working to "defend and strengthen free society" against its totalitarian enemies.

Stirring words. However, on closer examination the invitation turned out to be misleading, since according to Schlesinger, free-market capitalism had already washed out before the totalitarians appeared on the scene. What was really needed to defeat Communism was "a revival of American radicalism," Schlesinger proclaimed. "History has thrust a world destiny on the United States" (read "democratic liberalism") that the nation dare not shirk.

The fundamental arrogance—what else to call it?—of *The Vital Center* reveals how wrong New Left revisionists are when they accuse Cold War liberals of turning anti-Communist out of fear of the Right. Schlesinger never feared the Right because he never thought about it—any more than he thought, for example, about the role of religious belief in American history. These oversights led him to underestimate the political importance of both, as when Republicans twice defeated his own presidential candidate, Adlai Stevenson, or when Richard Nixon and Ronald Reagan discovered a culturally conservative and religiously devout "silent majority" among the great unwashed, who, Schlesinger had assumed, would remain loyal to their New Deal benefactors.

The successive defeats of Stevenson in 1952 and 1956 could not shake Schlesinger's confidence, or that of other liberals who believed that victory was inevitably theirs; it was, as Schlesinger's friend and Harvard colleague John Kenneth Galbraith proclaimed, "the liberal hour." All that was

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—*George Nash*

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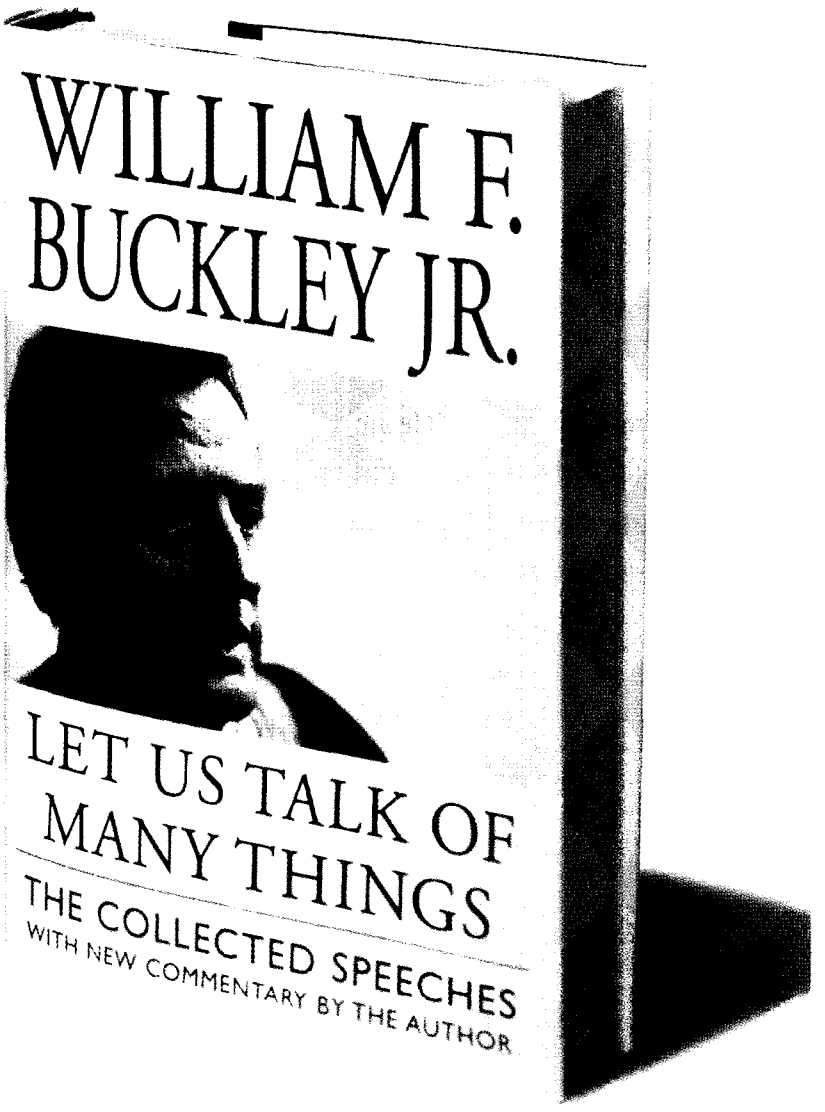

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needed was a political champion who, like FDR, could make liberalism acceptable to the masses. Such a champion appeared in 1960, in the form of John F. Kennedy.

If liberals like Schlesinger needed Kennedy to substantiate their claims to be the future of America, Kennedy needed them as well, especially Schlesinger, to whom he offered a White House position as special assistant. The job description was unclear, but the implication was obvious: Arthur Schlesinger would serve as official historian for the Kennedy administration, lending legitimacy to a president uncertain about his mandate and still under suspicion by the old Eleanor Roosevelt/Adlai Stevenson wing of his party.

■

The road to the triumph of liberalism turned out to have more potholes and detours than Schlesinger had bargained for.

■

Kennedy knew his man. Schlesinger threw himself into the role of court historian, using his pen to turn his prince into a world-bestraddling figure. This Schlesinger proceeded to do after Kennedy's death with his portentously titled *A Thousand Days*, which Gore Vidal dryly called "the greatest piece of historical fiction since *Coningsby*," Benjamin Disraeli's romantic novel of Victorian politics. The book adeptly transformed Kennedy, the former isolationist and intimate of Joe McCarthy, into the reincarnation of Franklin Roosevelt, launching a vigorous rebirth of American democracy until tragically cut down by an assassin's bullet. Clouds of incense wafted upwards, in memory of Kennedy, but also of "Camelot"—the star-studded administration that, of course, included Schlesinger himself.

We now know that, privately, the other Best and Brightest found Arthur and his breathless memos a tiny bit ridiculous, just as others criticized him for serving as "the white lawn jockey" of the Kennedy administration. But Schlesinger found it a heady experience, standing at the elbow of real political power and dashing off to meet his intellectual friends with police escort and sirens screaming. When Lyndon Johnson came into office and Camelot fled into exile, Schlesinger departed as well, betting that the liberal future belonged not to Johnson (who consciously modeled himself and his Great Society programs on Roosevelt and the New Deal) but to Jack's brother Bobby. Thus he turned overnight from a White House official into a Kennedy family courtier.

But the road to the triumph of liberalism turned out to have more potholes and detours than he had bargained for. First was Vietnam, which Schlesinger had at first supported and then turned against, as it sent the citadels of liberalism—the universities and leading newspapers—into a tailspin. Then came Robert Kennedy's failure to carry liberalism's banner against Johnson, which led Schlesinger to endorse Eugene McCarthy—only to reverse himself when Kennedy belatedly stepped forward, and reverse himself again when Hubert Humphrey emerged as the Democratic nominee.

Then there was RFK's death, a shattering event that devastated liberals far more than had the assassination of his brother. Schlesinger dutifully turned out *Robert Kennedy and His Times*, an extended funeral oration to the slain prince, made more elegiac and melancholy by the realization that, notwithstanding the most optimistic assessments of Ted Kennedy, there would be no shining knight to take his place.

Instead, there was Richard Nixon. The success of Nixon remained a source of perplexity and rage to Schlesinger and other liberals, as he stole their formerly Democratic voters and co-opted their policies. Their revenge came with Watergate, to which Schlesinger contributed his bilious tract, *The Imperial Presidency*. All pretense of historical objectivity vanished: The man who had built up the myth of a powerful presidency as the driving wheel of American reform now excoriated the president who tried to use it for conservative ends. Schlesinger lambasted Nixon for abuses of presidential authority, such as deceiving Congress and using the FBI as a weapon against political enemies, practices Franklin Roosevelt himself had pioneered.

Reagan's victory in 1980 brought similar consternation, which Schlesinger tried to ease by reprising his father's theory of recurring historical tides in *The Cycles of American History*. The revival of conservatism under Reagan in the '80s was only temporary, Schlesinger assured his liberal readers; the '90s would see a resurgence of American altruism and progressivism.

It isn't clear how Schlesinger fits such developments as the end of welfare, the Republican majority in Congress, a booming Wall Street, and a growing movement to privatize Social Security into his prediction of resurgent '90s liberalism. In fact, Schlesinger now finds his bitterest enemies not on the political right, but on the left. Thus in 1992 he lashed out at multiculturalism in *The Disuniting of America*, disavowing it as liberalism's progeny—a point that others might view differently.

But Schlesinger is now a largely discredited figure in academic circles, as they have become increasingly radicalized. His early books, once anchors of the American history curriculum, rarely appear on undergraduate reading lists; his later works not at all. His hero Andrew Jackson is routinely denounced as a racist and warmonger. Ironically, the one book you will find assigned is *The Vital Center*—which radical professors use as an example of how Cold War liberals like Schlesinger "sold out" to anti-Communist hysteria.

It is a strange and undeserved end. Schlesinger's legacy is more substantial than his left-wing critics will admit, though it remains, from a conservative viewpoint, an unfortunate one. As a scholar, he gave us a vision of American history as a record of liberal progress. And as a political publicist, he supplied the standard images of not one but two American presidents—Franklin Roosevelt and John F. Kennedy—a rhetorical achievement that no amount of contrary evidence about "the dark side of Camelot" seems able to destroy. **NR**

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The Anglo-American

TRACY LEE SIMMONS

Alistair Cooke: A Biography, by Nick Clarke (Arcade, 546 pp., $29.95)

LATTER-DAY mavens of PBS know Alistair Cooke as the courtly, avuncular host who presented the best of British television drama throughout the '70s and '80s on *Masterpiece Theatre*. Few realize that this venerable journalist and polymath has chronicled most of 20th-century American history in the making, notebook in hand. His first transatlantic voyage in 1932 brought him to the shores of a nation led by Herbert Hoover, and he has survived to report on the bizarre standoff between George W. Bush and Al Gore. Both as a newspaper correspondent and, since 1946, as the proprietary voice of *Letter from America*, his BBC radio chats on American life for English audiences, Cooke has reported on the rise and fall of kings and presidents, recorded in vivid words the splendor of New England autumns, and mused on the crack of baseball bats on summer afternoons.

Born in Manchester in 1908, Cooke spent his youth in Blackpool, where as a child in 1917 he first laid eyes on American soldiers over to help fight the Great War. By the 1920s the bright and precocious Cooke had gained admission to Cambridge, no mean feat for a boy of modest origins. There he fell under the tutelage of Sir Arthur Quiller-Couch, the eccentric slayer of cant and jargon in English prose, and Cooke's own mature prose style betrays a decisive debt to "Q," as he was known, as well as to H. L. Mencken, Cooke's American mentor. Cooke's fate was sealed when, on the eve of earning a First in English, his supervisor, the redoubtable E. M. W. Tillyard, judged him with niggardly prescience: "Satisfactory, but a journalist's mind." Yet perhaps only a man with the pliant, far-ranging mind of a journalist could stand as genial interpreter of the United States and her institutions for Britons—and later play the reverse role for Americans: the veritable embodiment throughout much of the 20th century of the "special" Anglo-American bond.

As a young man, Cooke traipsed through Europe as far as curiosity and cash would take him. One day he found himself standing on a street corner in Germany hearing Hitler mesmerizing a small crowd, a moment that provided him his "first political lesson in the fragility of freedom." Then came a scholarship award from the Commonwealth Fund for travel to America. Starting off at Yale, he ended up at Harvard, where he studied the peregrinations of the English language in the United States.

The collection of Alistair Cooke

Cooke reading his Letter from America, *c. 1953*

Within a year of his arrival, Cooke was shooting back dispatches on Hollywood for the London *Observer*, one of which occasioned a lasting friendship with Charlie Chaplin. Later he freelanced for the London *Times*. But these jobs weren't sustaining; the *Times*, he later said, merely "kept you in cigarettes." Cooke needed a real job, and one virtue of this new biography lies in the spadework of Nick Clarke—himself a host and commentator for the BBC's Radio Four—in documenting Cooke's struggle to gain a footing in his chosen profession; success, as it often does, dripped from a slow faucet.

Then, quite without design, Cooke landed in radio. After marathon days of broadcasting for NBC from New York on the constitutional crisis attending Edward VIII's abdication in 1936, Cooke had found his métier. His easy conversational manner served well such an intimate medium. By 1946, the war over, BBC Radio approved a short weekly program of commentary to be written and presented by Cooke, who was by now an American citizen, and the *Letter from America* was born. (Winston Churchill never missed it.) This job, coupled with a foreign-correspondent's post for the Manchester *Guardian*, defined his professional life for the next half century. He would be at ease before both the typewriter and the microphone.

But the Alistair Cooke that Americans know today is a product of the 1950s, when he mastered one more medium. In the spring of 1952, a television producer, Robert Saudek, heard Cooke's remarks on receiving a Peabody Award, and immediately asked him to host an American television program, which was to be a kind of variety show for the mind. He agreed, and *Omnibus* premiered the following fall. During its nine-year run, the program featured Leonard Bernstein—in his first television appearance—explaining the intricacies of Beethoven's genius with orchestra players standing astride a giant score; Gene Kelly employing famous athletes to illustrate dance moves; and actors like James Dean and Hume Cronyn performing original plays.

When not speaking to the wider world, Cooke compiled several books. Some—*One Man's America*; *Talk About America, 1951–1968*; and *America Observed*—are drawn directly from his radio talks and newspaper pieces, while others—*The Americans* and *The Patient Has the Floor*—present eclectic mixes of broadcasts and speeches (including one before the U.S. House of Representatives in 1974). *Six Men*, one of the remarkable books of our time, provides character sketches of six legends Cooke got to know well: Charlie Chaplin,

Mr. Simmons is director of the Dow journalism program at Hillsdale College.

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Edward VIII, H. L. Mencken, Adlai Stevenson, Humphrey Bogart, and Bertrand Russell.

All these undertakings made possible the tall, sage figure who would write and host the superbly momentous television series *America—A Personal History* in the early 1970s, and this series may be Cooke's enduring achievement. Although produced for the BBC, the programs quickly got American airtime, too. Cooke could explain our odd ways astutely; critical yet sympathetic, his was the outsider's, though not the foreigner's, view—learned, calm, and wise. We see Cooke ambling across battlefields, measuring distances on original maps, counting off supplies needed for the long journey west, and pounding out a few chords on a jazz piano, never letting us forget all we owe to generations of sacrifice and hope. History, he showed us, need be a study in neither villainy nor hagiography. He also showed that telling stories of the past could be an act at once personal and serious. (The series ought to be enjoying a new life in a handsome boxed set of videotapes, but the sluggardly BBC won't budge to release it.)

Cooke's story was ripe for the telling, and there's no gainsaying Nick Clarke's zeal, though his literary skill does not match that of his subject. Nor does his sense of detail. My atlas assures me that a "Washington-Montana border" does not exist (Idaho intervenes). Joseph P. Kennedy was an ambassador, never a senator. John Glenn never took a space walk during his three orbits in 1962. And the apparently mandatory psychologizing slap at anyone of Cooke's generation for being a repressed Edwardian is getting tiresome. More ominously, Clarke speculates on shaky footing that Cooke might have dodged a military stint in World War II. (Actually, Cooke made himself available to *both* countries during the war.)

Alistair Cooke doesn't fit nicely into any modern pigeonhole. His political sympathies—whatever they are—aren't for sale or display. Labels falsify. One may call this man of deeply conservative temperament a liberal, though liberals faulted him in the '50s and '60s for explaining, without vitriol, American objectives in Vietnam and for observing that change must come gradually to the American South. But Cooke has never been one for the simple answer. And at the age of 92, he's still broadcasting his weekly *Letter* for the BBC. Playwright Arthur Miller summed up his value to America when he said that Alistair Cooke, though still very much the Englishman, "makes one feel that there is something steady underneath us." **NR**

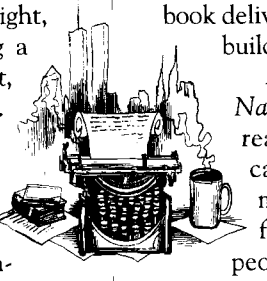
■ CITY DESK ■

Hard Copy

RICHARD BROOKHISER

THE main building of the New York Public Library sits on Fifth Avenue between 40th and 42nd Streets, and there are 99 steps from the sidewalk to knowledge.

Six steps separate pedestrians from the two mild marble lions that guard the ascent. Twenty more take the would-be reader up to the surprisingly mousy front door. Behind the door is one of those rooms that were a staple of beaux arts architecture, a huge, empty, sumptuous marble chamber whose function is to mark a pause in space. A pair of marble staircases, to the left and right, lead still higher, each making a slow, long turn: eleven steps out, 35 steps back, then 27 steps in. At the summit, both stairways almost meet in a second, smaller anteroom, decorated with murals depicting the written word in history. Moses brandishes the Ten Commandments over cowering, sinful Israelites; a monk inscribes a scroll; Gutenberg pores over a page proof; a 19th-century compositor sits in front of the Brooklyn Bridge, while a newsboy hawks copies of the *Daily Deceiver*, or some other sheet of the kind that Alexander Hamilton and Walt Whitman toiled to produce. After studying the murals, the scholar may pass into the catalogue room and the two reading rooms, to encounter another old technology: the book.



When I first came there, the library catalogued its books on cards stored in oak filing cabinets with brass fittings. One day the cabinets were gone, replaced with bound volumes of photocopied cards. Now computer terminals summon the titles of books that have more recently joined the library's collections. (I have looked up my own books; if there is an author in New York who hasn't, I will buy him a drink.) Computers have invaded the main reading rooms too, staring with their pearly gray eyes from the long oak desk tops. But all this silicon power is tied to crumbling paper pages.

The New York City public library system has dozens of circulating branches scattered throughout the five boroughs, but the main building on Fifth Avenue is a research library, whose books never leave home. One reason you have to walk up 99 steps to the reading rooms is to accommodate the storage space for all those volumes. The main reading rooms sit atop offices, specialized reading rooms, exhibition spaces, and stacks. The stacks plunge down into the ground, and out below Bryant Park, behind the building. Since authors will keep writing, the library has had to spin out specialized collections—science, industry, and business; performing arts; black culture—to satellite buildings, blocks, or even miles, away. But for the millions of items that remain, you can still write out a call slip and get your book delivered from the bowels of the building in about 20 minutes.

Alfred Kazin researched *On Native Grounds* in the main reading rooms, which he called his "intellectual armory." More common than future famous authors are people researching patents, genealogy, or how the Nubians discovered geometry. I have used the library for many professional assignments. Paul Simon—not the bard, but the former Illinois senator who looks like Orville Redenbacher, sounds like the golden age of radio, and once ran for president—was also an author, so one lunch hour I took myself to the library to look up his books on Abraham Lincoln and Elijah Lovejoy, the lynched abolitionist newspaper editor. Simon's books are pretty terrible; he would have done better to let a press secretary write them. I would

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have done better to let a junior editor read them, except that I was a junior editor. But the library had preserved them all, for me and for the future. Another time I was freelancing a piece on beards. One tiny old book was so feeble and frail it came to me in a casket, a little box holding its boards and binding together. Possibly it was in that book that I read of the queen of Holland who had a long reddish beard, of which she was quite proud.

Then there was the day I wanted to read one of George Washington's favorite books, *Seneca's Morals by Way of Abstract*, translated by Sir Roger L'Estrange, Knt. It has been a long time since *Seneca's Morals* has topped the bestseller list, but it was a hit in Washington's day, so I thought that the nearby Mid-Manhattan Branch might have a copy in its open stacks, or even one that could be loaned. So I began my search, only to discover that Mid-Manhattan had never heard of Sir Roger or his version of Seneca. A cloud passed over my deadline-harried heart: Was I seeking some monstrous rarity? Would the main branch let me down, too? O me of little faith; I hurried past the lions and murals and up the 99 steps, and found that the main building had about 25 editions of *Seneca's Morals*, from the late 17th to the early 20th century. After 20 minutes, one rendezvoused with me. Decades ago, the firm of Sherwood, Neely, and Jones (London) had reprinted this creaky translation of a long-dead Roman lawyer for the edification of English gentlemen; now it appeared on an oak table in Clinton-era New York. In it I read, as Washington had, that "He that has lost one battle, hazards another."

The library is one of the few public places in New York that is still. (No one talks in museums, but figures and colors shout from the walls.) Silence imposes seriousness; even fools and lunatics pursue their delusions in a dignified fashion.

I have one test for the coming telecosm. When every page of every book in New York's Public Library is scanned and available on the Internet, then we can have a big bonfire, and turn the vacant lot over to Duane Reade for yet another drug superstore. Until then, I will take my knowledge the slightly harder way, in hard copy. **NR**

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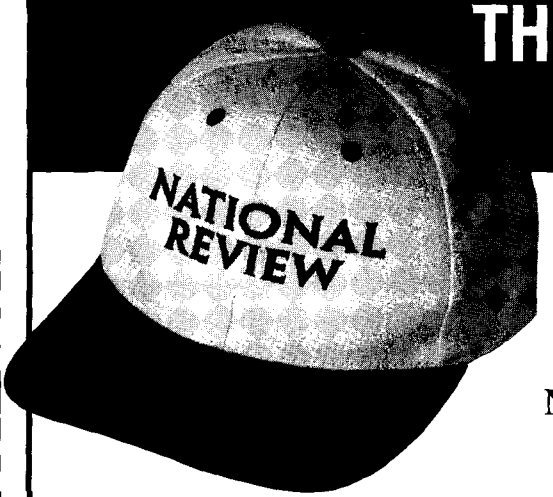

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■ ESSAY ■

Alexandria the Great

JAY NORDLINGER

"Where are you meeting Amr?" my mother said. "Alexandria," I replied. "Virginia?" she said. She must have thought we were flying together out of Dulles. "No," I said: "Egypt."

It ain't suburban Washington. And nothing can prepare you for the sensual shock of it.

Well, that's not quite true. I had prepped by reading André Aciman's memoir of his upbringing in "Alex," *Out of Egypt*. If ever a book could transport you to a time and place, it is this one.

Aciman's time is long past—Nasser brought it to a close in the 1960s. But, in many ways, his place remains. The alert visitor sees touches everywhere of the mottled, polyglot, wildly international city of pre-nationalist days. The Greeks, the Arabs, the Turks, the Italians, the Jews, the French, the English—everyone and his brother contributed to the local bouillabaisse. Together, they created a spot nearly unique.

No wonder the "foreigners" cried so when they were kicked out.

The Americans have been here lately—at least in the form of their eateries. The city is dotted with Hardee's, Arby's, Chili's, Pizza Hut, Baskin Robbins, Kentucky Fried Chicken—heck, the Colonel's face is almost as ubiquitous as Mubarak's.

And then there's Tweety. Oh, is there. I mean Tweety Bird, as in "I tawt I taw a puddy tat." He (she?) may be more prominent than either the Colonel *or* Mubarak. The sweet, puzzled look of this creature is seen in cars, on signs, in shops, on shirts. Tweety is enjoying a considerable rage, all over the country.

My friends and I—soaked for days in Egyptology—joke that, if the present civilization were somehow obscured, archeologists of the future might conclude that Tweety was a god. Are we so sure about Ptah?

We stay in the Palestine Hotel on the grounds of the Montazah Palace, the kings' old summer pad. Farouk high-tailed it from here in 1952. Nasser was in favor of exile; Sadat, of murder. Interesting, in light of their later courses.

The Montazah Palace by Roman Genn

The entire Montazah complex is enough to make the senses groan and ache and swoon. There's the palace itself—out of a fairy tale—and the long, dreamy gardens, and the former guesthouse (now a luxurious, intimate inn), and the palm trees, heavy with dates, and the Greek-style theater, and the snaky stone peninsula that ends in an old lighthouse. A more appealing scene is hard to imagine. How the revolutionaries must have gaped at it when they crashed the gates! Mubarak—no dummy—has built nearby.

But mainly there is the sea. Somehow it looks different, better from this side (with due apologies to St-Tropez). I arrived at night, and couldn't really see anything till morning. When I stepped out on the balcony, I, too, gasped and gaped. And I thought—immediately, involuntarily, and less preciously than you might think—of *Antony and Cleopatra*, and those heart-swelling lines about the queen having a sail upon the sea. Shakespeare, you old wizard! How did you know? You must have been here! How did you get the setting so right?

A word about the weather, that most tiresome of subjects: Alexandria's, in November, is perfect. It makes San Diego's look foul. Of course, because it's 76 and there's a breeze, Alexandrians think it's winter, and bundle up. They consider a visit to the beach preposterous—but you must go nonetheless.

And too bad the food's no good (a bit of exuberant sarcasm, mind you). The fish and meat and rice and fruit are the stuff of Eden. Feel like something to drink? How about mangos, guavas, or pomegranates, squeezed directly into your glass?

Too bad the women are so ugly, too (more exuberant sarcasm, needless to say). *Les alexandriennes* are exquisite—a guy could break his neck in this town. In all, Alexandria must be one of the great people-watching capitals of the world.

The old and the new blend here in what seems an endless series of *National Geographic* photos. Sports cars whip annoyedly around donkey carts. Certain

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ladies are draped in haute couture, and others are cloaked in the orthodox Muslim fashion. Cell phones are as common as water pipes—go into any café and you will see patrons talking and sucking at the same time. I saw a woman fully wrapped and veiled—all covered up except for the slit for her eyes—gab on her cell. Now *there* was a picture.

And too bad the people are so unfriendly. All over town—in the ritziest clubs and the rankest alleys—they strain to make visitors feel welcome. It's as though the entire population were engaged in some worldwide Most Hospitable People contest. Schoolchildren call out their "hello"s, and most everyone offers, "Welcome in Egypt" (few seem to have gotten the hang of that "to").

To be invited into a home is to be engulfed in affection and solicitude. Be careful not to praise some object, or you may have to take it with you. If you eat enough food for only five people, you won't be judged to have carried your load—and you'll want to.

One afternoon, I had the pleasure of meeting a four-year-old girl named Ola, who sang for me (just a few days before Ramadan) "Jingle Bells," in her soft Oriental accent. You could have died from melting. She also threw in—as bonuses—"Head, Shoulders, Knees, and Toes" and some song with the words "boogie woogie" in it, sung to the shake of four-year-old hips. "Priceless," as those commercials say.

So, what do people—everyone: professors, security guards, pensioners—want to talk to an American about? The election, of course (or the post-election, or non-election, or whatever it is). Egypt, to put it mildly, is Bush country. He must have greater support here than in Utah. People say, "We are for Bush," as if speaking authoritatively for every Egyptian—and they probably are.

One conversation went as follows:

"We are for Bush."

Great.

"Bush seems honest and trustworthy. Gore seems mean and corrupt."

Yes.

"We hate Gore."

Uh-huh.

"And we hate Lieberman even more."

Uh-oh.

The Connecticut senator, I come to learn, has alarmingly high name recognition in Egypt. And this, naturally, gnaws at the gut.

Truth is, any political conversation here is apt to be dicey—and deeply depressing. At war are two utterly different sets of facts, or perceived facts. I talk with a young woman who is fancily educated, worldly, widely traveled—a doctor and university lecturer. To hear her tell it, the Middle East conflict is essentially a matter of the Israeli passion for mowing down Arab kids bearing stones. The notion that Israel might be prepared for peace, if only its enemies felt likewise, is too fantastic even to consider.

It's as though the entire population were engaged in some worldwide Most Hospitable People contest.

With thinking like this—and from the cream of society—how can we ever get anywhere?

But politics you quickly put aside, as though you've touched something very, very hot. Nice weather we're having, huh? Or maybe we can discuss the traffic—a topic that could fill hours, and volumes.

Alexandria is a riot of cars, knocking about in a free-for-all: There are no rules; only a semi-metaphysical sense of maintaining the flow. Pedestrians simply wade into traffic—I mean, simply wade in, at any point, no matter how thick and furious the cars. How do you get across the street? My friend Yasser—all-knowing, all-explaining—says, "Don't think—that is the key. If you think, you're in trouble." Professor Harold Hill had his Think Method; Yasser has his Don't Think Method. Yasser's works.

It can be a little overwhelming, inner-city Alex: the congestion, the noise, the exhaust. But you can always work your way out to the sea—the saving sea, with its restoring breezes, as you breeze along the Corniche, soaking it all up, grateful to be in this dazzling, raucous place, if only for a few days.

Really, can any city be more stimulating? Does any pack a greater punch? Is any more able to make you feel that you've truly *traveled* somewhere—somewhere foreign, and memorable, and rare?

Ah, let's talk for a second about Cairo! **NR**

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■ FILM ■

Get Real

JOHN SIMON

THE able Don Roos's latest movie, ***Bounce***, is being praised for its naturalness, a somewhat curious virtue. A very natural film about bores or crazies would be tiresome. And the ultimate form of cinematic naturalness, improvisation, is a particularly tricky device: Employed sparingly, it has its uses, but too much of it feels, paradoxically, less natural than a scripted scene. And why not? Actors, after all, are not writers.

Bounce, I am sorry to say, comes across as one big improvisation. Ben Affleck plays Buddy Amaral, a smooth ad-agency guy with a big drinking problem. He has brought in the lucrative Infinity Airline account to his agency, of which he owns 20 percent. Returning to Los Angeles, he is delayed in Chicago by a snowstorm. At O'Hare airport, he meets Mimi, an attractive young Dallas businesswoman who is talking to Greg Janello (the good Tony Goldwyn), a young writer eager to return to his family in L.A. They have a pleasant three-way conversation, and Mimi (the toothsome Natasha Henstridge) evinces some interest in Buddy.

Sensing that she would sleep with him, he gives his ticket for an earlier flight on Infinity to Greg, and the ticket-taking stewardess, a sometime playmate of Buddy's, is willing to let a Janello fly with an Amaral boarding pass. But since when must ticket-holders identify themselves as they board? Amazing things go on in natural-feeling movies.

The plane crashes, killing 200-odd people, including Greg, driving the deeply upset Buddy off the wagon and ultimately into rehab. Meanwhile, Greg's wife, Abby (Gwyneth Paltrow), who has two darling boys and a wise mother, is shaken out of her complacent belief that Greg was not on that plane. She goes briefly to pieces in a medium-long shot that has been much lauded for not milking the tragedy in the interest of, you guessed it, greater naturalness.

Eventually, Buddy is impelled to seek out the young woman he widowed. Abby is now a novice realtor, and he pretends interest in an apartment she is awkwardly showing. In the process, he gets his pants ripped by her Rottweiler, also named Buddy, in a meeting-cute scene, a throwback to the old prenatural movies. She offers to pay for the pants, which Buddy (the guy) gallantly refuses, and gets her the very remunerative assignment of negotiating the $1.8 million deal in which Buddy's agency acquires larger quarters.

■

Ben Affleck and Gwyneth Paltrow, former lovers in real life, strain stalwartly to convey complex, conflicting emotions.

■

Abby pretends to be a divorcée rather than a widow (she doesn't want to be pitied), while Buddy pretends never to have met Greg. As the screenplay sees it, these are guilty maneuvers that the future lovers—for that, naturally, is what Abby and Buddy become—will have to dearly expiate. Yet what are these white lies compared to the lie of the phony naturalness? Affleck and Paltrow, former lovers in real life, strain stalwartly to convey complex, conflicting emotions. Affleck's eyes tear up, and his mouth contorts into asymmetry. The tremulous Miss Paltrow palpitates, sheds copious tears, and her heaving bosom virtually implodes. All, of course, in the interest of naturalness that nevertheless emerges faintly stilted.

But what can you expect from people who don't know what *dooryard* means? Early on, Greg quotes Whitman's "When Lilacs Last in the Dooryard Bloom'd," and, in a kind of chain reaction, every major character confesses over the course of the picture not to know the meaning of *dooryard*. That, I guess, is natural ignorance.

■ The French, who have words for so much, do not have one (or two) for "soap opera," for the good reason that they don't produce any. But they do import them for television, and they themselves make movies that are in essence condensed soap operas for mature audiences. ***La Bûche*** (*The Log* or, in this case, *The Christmas Log*) is such a one.

It concerns three sisters of Russian-Jewish origin on the paternal side. Louba, at 42 the eldest, sings in a Russian cabaret, gives Russian lessons, and lives with her father, Stanislas, a divorced, retired club violinist and former ardent womanizer. We do not see Louba giving Russian lessons, which is a pity, and see too much of her (dubbed) singing, which is a mistake. But we do get a nice sense of her emotional personality, her interaction with her father, whom she looks after, and her twelve-year love affair with a married realtor, Gilbert, who says he cannot live without her but cannot give up his children. Their trysts take place drolly in the fancy apartments he peddles.

Sonia, the middle sister, has married a rich stockbroker who cheats on her, but allows her to be a comfortable mother and hostess. She gives the annual Christmas party for the extended family, for which she prepares for months. Milla, the youngest, is said to be the most talented, though we never find out just what she does, or why she has no boyfriend. But she whizzes about sassily on her motorcycle, the helmet making her look like an Amazon warrior.

The film starts with Christmas songs and crowds of shoppers in the stores: It is December 22. Suddenly, we cut to a funeral. The sisters' mother, Yvette, has lost her second husband, a classical violinist. As the coffin is lowered, a cell phone rings. The mourners all check their phones, but it turns out to be that of the deceased, in his coffin. The caller is the dead man's first wife, Janine, whom no one has notified. Comments Yvette: "She will find out when her battery runs out." Such is the movie's antic humor: funny, but not quite believable.

Stanislas, in poor health, would skip the Christmas dinner to avoid Yvette. He plans to spend Christmas Eve with his young tenant, Joseph, who lives in the annex where Stanislas used to practice the violin. Joseph is an unemployed gaffer who fixes Stanislas's leaky pipes

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(poorly) and makes toys for his five-year-old daughter, who lives in the provinces with her remarried mother. Sonia's husband and Gilbert's wife are barely noticed, but Joseph's Annabelle, whose second marriage is failing, gets a fine hysterical scene.

As you may have guessed, this is a woman's picture, the first to be directed by the prominent screenwriter Danièle Thompson (*La Reine Margot*), who co-wrote it with her handsome son Christopher, who also moodily plays Joseph. The story is loosely derived from the writer-director's family history. It is a quaint mixture of genuinely funny or touching situations, and others a bit too convoluted, not to say contrived. Miss Thompson is good about what she leaves out, though some of her characters would profit from fuller elaboration.

■

La Bûche is a quaint mixture of genuinely funny or touching situations, and others a bit too convoluted.

■

Still, just as the days hurtle toward Christmas, the characters undergo various shocks (Louba is pregnant, Stanislas has a heart attack), and a lot about the past rises to the surface. It is all reasonably interesting, but piled on just thick enough to evoke that soap-opera feeling. Yet there is redemption in the casting and direction. We get some remarkably apt and appealing performers in fine Gallic fettle. Sabine Azéma (Louba), Emmanuelle Béart (Sonia), and Charlotte Gainsbourg (Milla) are eye candy, Claude Rich (Stanislas) is still an old charmer, and Jean-Pierre Darroussin (Gilbert) looks pleasantly homely.

But for those who know French cinema (and even for those who don't), the film movingly unites two legendary beauties of bygone years: Françoise Fabian as Yvette, and Françoise Brion as Janine. When these two still-fetching Françoises share a brief scene at their husband's grave, and we note their valiantly Pyrrhic victory, aided by face lifts, over time, something in our hearts resonates as strongly as if *La Bûche* were a supreme work of art. **NR**

Greek Ways

How the Greeks Created Western Civilization

by Bruce Thornton

The glory that was Greece is under attack. Following the fads of multiculturalism and postmodernism, a coterie of contemporary academics has subjected the Greeks—and Western civilization itself—to a wholesale "reinterpretation." According to this "new view" the Greeks were hypocrites who oppressed their women and kept slaves, while preaching liberty and equality; perfected the art of war, while practicing the art of politics; and explored the dark Dionysian side of experience, while extolling the primacy of reason.

In **Greek Ways** Bruce Thornton sets the record straight. In an impassioned act of scholarship covering a wide range of works—from Homer and Hesiod to Aristotle and Demosthenes—he shows what the Greeks actually said and what their ideas have meant for the West.

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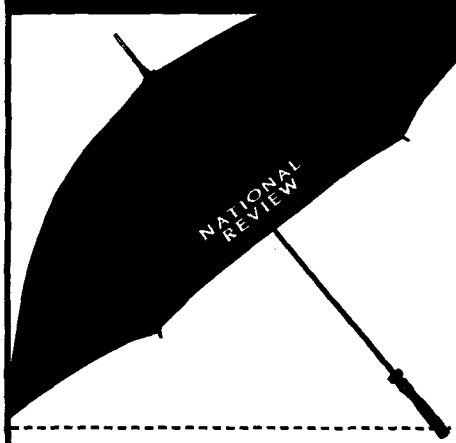

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■ BOOKS IN BRIEF ■

The Ten Things You Can't Say in America, by Larry Elder (St. Martin's, 354 pp., $23.95)

FOR five years, feisty black libertarian Larry Elder has hosted a popular but controversial Los Angeles talk-radio show. In 1997, a boycott by black radicals angered by his anti-affirmative-action stand and other heresies pressured several of the show's sponsors into pulling their ads, and his radio station into slashing his hours. It took an aggressive TV-ad campaign to convince the station to restore the show to its full length.

This brisk, absorbing book shows Elder unintimidated by the experience. With considerable gusto, he takes on ten sacred cows of American politics. Frontloading his dynamite, he spends his first two chapters arguing, persuasively, that "blacks are more racist than whites" (e.g., reflexively blaming whites for their problems), and that "white condescension" toward blacks is equally odious. In another chapter, Elder convincingly establishes the media's liberal bias. Most of the rest is well-argued libertarianism: e.g., the health-care crisis is bogus; the welfare state encourages sloth and irresponsibility; we should drop the disastrous war on drugs. Elder scourges Republicans who timidly echo statist Democratic proposals (hear, hear) instead of offering libertarian alternatives—such as abolishing income taxes, welfare, entitlements, and corporate handouts. He ends with a stout defense of gun ownership, revealing gun control as driven by myth and emotion rather than fact. Elder uses statistics and anecdotes effectively, and an appendix of charts and tables drives home his points. With this manifesto, Elder shows that in a country that prides itself on its tradition of free speech, the things you aren't supposed to talk about are the most important of all. —JOHN ATTARIAN

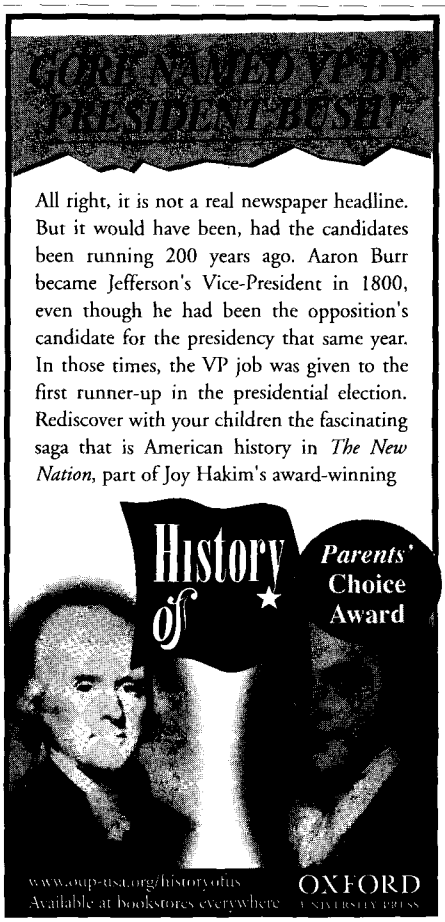
Bombers, Bolsheviks, and Bootleggers: A Study in Constitutional Subversion, by Leon F. Scully Jr. (Publius, 464 pp., $29.95)

SINCE 1914, American courts have held that the fruits of an illegal search are inadmissible, regardless of their bearing on the case. Neither the Fourth Amendment nor any other constitutional provision requires this conclusion. Yet in the name of deterring police misconduct, the "exclusionary rule" routinely derails prosecutions, arguably to the frustration of justice (and certainly to that of the public). While others have made the case that the exclusionary rule was invented by judges, Leon Scully goes further, contending that the "test cases" establishing the rule were in fact "a series of frauds perpetrated on the Supreme Court and the American people."

Scully presents a broad view of these cases, including the political pressures on the actors involved, beginning with *Weeks* v. *United States*, the 1914 Supreme Court decision that created the exclusionary rule. Fremont Weeks was convicted of using the mails illegally to transport lottery tickets; to secure the evidence against him, police had entered his house without a warrant. The Court did not dispute the evidence, but, reasoning that the police had stepped over constitutional bounds in obtaining it, overturned the conviction. Scully argues that the Court ignored the probable cause that a crime had been committed, which justified the search.

To Scully, the result in *Weeks* was all too convenient for the Progressive movement in light of *Ryan* v. *United States*, also called the "Dynamiters case," a politically charged prosecution of union leaders who were accused of dynamiting the *Los Angeles Times* building in 1910. The Dynamiters case, which was ongoing at the time *Weeks* was decided, also involved allegations of illegal interstate transportation, and its outcome hinged on documents found with dynamite and alarm clocks in a basement vault halfway across the country. Without these documents the testimony of two other bombers who had turned state's evidence could not be corroborated. Scully notes that the wrongful police action alleged in *Weeks* was nearly identical to that alleged in the Dynamiters case; he concludes that *Weeks* was manipulated in order to obtain a precedent to dispose of the Dynamiters case, and to aid in the Progressives' relations with unions.

Scully's painstaking reconstruction of these and other cases makes a convincing argument that the precedential underpinnings of the exclusionary rule are judicially created precepts that lack grounding in the original meaning of the Fourth Amendment. His legal history is thus the story of an activist judiciary guided by the doctrine of an "evolving" Constitution, imposing political will instead of implementing constitutional principle. Scully's call for a return to the search for truth in courts of law deserves a wide hearing. —MICHAEL B. BRENNAN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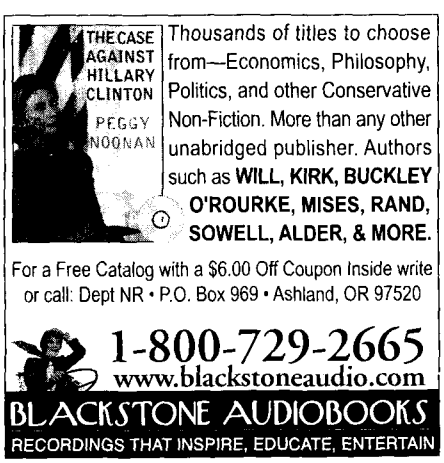
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WILLIAM F. BUCKLEY JR.

Figures for the Long Count

NEW YORK, NOVEMBER 14

WHATEVER happens down Florida way, nothing will change the central finding, which is that the voting public is tied on the question: Republicans vs. Democrats. It is climactically important if the Electoral College favors one or the other candidate by a single vote; and to probe that, we need to suffer through the processes minute to minute and end up talking about the marginal vote in a single state.

But when that is done, we will be staring at the central data, which are that the popular edge by one party over the other (200,000 more votes for Gore) is negligible, a mere two-tenths of 1 percent of the votes cast. What is interesting is the parsing of that vote, and, thanks to the Voter News Service, we have the breakdown.

Question: What was the heaviest preponderance of the day? Answer: black Americans. They voted 90 (the figures denote percentages) for Gore, 8 for Bush.

Spinmanship is invited. The Democratic advocate will say that this vote is a true measure of the needs of the less educated, less affluent Americans for Democratic policies. But why the increasing polarization in the last four years? In 1996, Dole got 12 percent of the black voting bloc, 50 percent more than Bush got. How do we account for that, given that there is full employment and a higher incidence of black education at all levels? Was there a special rhetorical chord struck by Gore this time around?

Contrast the resolute black Democratic vote with the Hispanic vote. In 1996 it went Democratic, 72–21. This time there was Republican movement, 67–31. Does this suggest the Hispanics are headed for split divisions like the Catholics (49 Gore, 47 Bush), or is the GOP rise an aspect of the special appeal of Bush, evidenced by his heavy Hispanic support (49) when he ran for governor? Is there a way for the Republicans to tune their policy tickets in such a way as to increase their percentage of that vote?

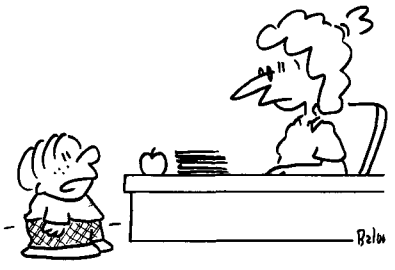
After the blacks, the next preponderantly Democratic vote was the Jews', a whopping 79 to 19. Any change visible? No, not really. In 1996 it was 78 to 16. Perot's voters back then (3) went now to the GOP.

So what are the available spins on this showing?

a) The Jewish Democrat will say, "We don't make a practice of talking about it. In fact, we make a practice of *not* talking about it. But the fact of the matter is that the Jews are just plain brighter people—look at how we do getting ours into places like Harvard and Yale. Being bright, we know what is best for the country, which is why we gave Gore 79 percent of the vote."

b) The Jewish Republican will say: "The trouble with my people is that precisely what they *don't* know is what is best for the country. Add this to their stubborn refusal to encourage GOP advances of the kind we hold dear to our hearts, like civil rights and equal rights and firm pro-Israel policies, and you get this embarrassing stick-in-the-mud uniformity which is—and we don't say *this* either—very dumb because it minimizes our influence. If the Dems can always count on us, what do they have to lose by offending us?"

On the question of education and political wisdom, the breakdown is once again interesting and paradoxical. The voters who graduated from college went better (51) for the GOP than for the Democrats (45)—3 went to Nader. Republicans spinmasters don't mind at all the implications of that: Get a college education and learn enough to prefer the GOP! What irritates is that those who go on to postgraduate education head out in the wrong direction (52–44). It is a strange circular voyage, because voters who didn't even graduate from high school are stoutly (59–39) Democratic. If we institute post-post-graduate training, voters who undertook it might find themselves as smart politically as those who didn't go on beyond grammar school.



"I have to be excused from sex-education class, Miss Meyers. My parents are storkists."

The comfortable thesis that the rich go automatically to the GOP is once again shot full of holes. It is safe to say that there is a tendency in that direction, but they are, unlike blacks and Jews, in relatively level waters. Even among those who earn less than $15,000, there are GOP voters (37). When you reach incomes over $50,000, the Republicans are strong (52), but not overwhelming. And that margin of 52 climbs a mere two points for voters who make over $100,000. Forty-three percent of the very affluent voted Democratic, which raises the question: If you're so rich, why aren't you smart?

Unmarried Women Behind the Crisis

NEW YORK, NOVEMBER 17

YOU have heard of pure scientists? They are the originators of such pure thoughts as eventuate, a generation later, into such lifesaving practical products as atom bombs and light bulbs and penicillin. The counterparts of pure scientists are those journalists whose deadline comes in *after* the finding of the circuit court judge's ruling that the secretary of state acted reasonably in declaring closed the vote counting, but *before* the Florida supreme court affirms or overturns that decision. What do we do? The tocsin sounds for brave hearts; for the pure political analysts to resume meditation over the demographic voter breakdown of Election Day, November 7.

The focus today is on unmarried women. They voted for Gore overwhelmingly (63 percent to 32 percent). The vote by married women was virtually tied (Gore 48, Bush 49).

Now the great polarization didn't happen overnight. Four years ago, Clinton got 62 percent of the unmarried women to 28 percent for Dole. The quick assumption that unmarried women were scared to death on election Tuesday by the high-pitched Gore predictions that a Bush victory would mean destitution at

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Social Security time doesn't stand up, unless we pure analysts are willing to say that the fear of dispossession began four years ago and stayed there to frighten unmarried women.

The drama, as you will have surmised, goes back to antecedent quadrennials. In 1992, Clinton vs. President Bush came in 53 percent to 31 percent. Perot got 15 percent. We can't know for sure from whom he took those votes, but if we apply them proportionately, we see that the unmarried women had already swung to the Democratic candidate.

And so we move back, this time by two presidential elections. In 1984, the vote was virtually tied: 49 percent for Reagan, 50 for Mondale. And in 1988, the slippage had begun: 42 for Vice President Bush, 57 for Gov. Dukakis.

What is going on? Several contributing factors are volunteered.

The first is that the GOP is associated with the right to life, and single women are most covetous of the dominion over reproductive rights, as the right to abort is most generally referred to. The assumption here is that married women care less about choice, but this isn't manifestly so: The married woman who finds herself pregnant, and already has other children to raise, will often opt for an abortion, and this group makes up about one-third of abortions performed. Where then do we look for this near 2–1 disparity in the current vote?

The figures reveal that 90 percent of black Americans voted for Gore. The mere application of that advantage contributes to the unmarried-women Democratic figure. But blacks are only 10 percent of the voters, which means that 90 percent of the plurality has to be otherwise accounted for.

Then ask: Isn't it possible that unmarried women find themselves, in the absence of a husband, relying on somebody else to help with the usual social anxieties? Health care and Social Security predominantly, but also, for a considerable number, education? Single mothers procreate a great many children, and these need to be educated. The impression given by modern Democrats is that it is they who hold out a hand to aid the disadvantaged at every level. Somebody there at the hospital at the time of birth, somebody at the schoolhouse to teach the kids, somebody to give them drugs as required, somebody to look after her in her old age. What's his name? Not Daddy. It's Uncle Sam.

Does this reasoning apply to widows? They are "unmarried women." But it is likelier that they will have been provided for by their deceased husbands, and trained to rely less on government than on personal resources.

The GOP can't reasonably be expected to promote a campaign to get husbands for unmarried women. But short of that, Republicans have to come up with something. It isn't as easy as to reverse its position on abortion: Reagan did just fine simultaneously a) opposing abortion, and b) attracting the backing of unmarried women.

At the least, future Republican strategists could openly address the question. They try to appeal to Jewish voters by cosseting Israel, to Catholic voters by church/state rescue missions, blacks by civil-rights militancy, Hispanics by social hospitality. The unmarried woman can selectively be singled out for attention at least to the point of acknowledging that she exists, and ought to adopt the GOP for her otherwise childless household.

Confidential Memo. Eyes Only.

NEW YORK, NOVEMBER 21

HERE are the planted axioms:

—In any normal country, Gore would be acclaimed the winner for the simple reason that he got a majority of the people who voted on November 7.

—It's true, we have the good old Electoral College system. But even under its auspices, there is a pretty good likelihood that Gore is the winner. Look at it this way: We are talking about a margin of only a few hundred voters in a state in which 6 million voted. It isn't a point we want to discuss publicly, but the ambiguous votes are preponderantly Democratic. Republicans are the clerical set, and when they face a ballot with a little square in it, they know to stick something through it without leaving dancing chads here and there. This isn't the kind of thing that's going to find its way into sociology textbooks, but it's a fact—the kind of people who are going to do ambiguous ballots are the less well-instructed Americans, the more careless types; types less accustomed to the disciplines of civic behavior. They tend to be Democrats. So therefore the more latitudinarian the canvass, the higher the likelihood that Vice President Gore is the victor.

—There are motions that need to be undertaken for the sake of appearances, as also to face political realities. The most obdurate political reality has been Ms. Harris. She is a Republican and did everything she could to precipitate closure. When our Judge Lewis ruled that Harris must act with discretion, that was good. But when he went on, after her ruling, to say she *had* acted with discretion, that was no good. It helped that he didn't elaborate his reasons for concluding that she had behaved reasonably. That made it easier for the full supreme court to come in and say,

—Hey there, Katherine! Hold your horses. We are going to get an *en banc* hearing (that's with six Democrats) and get the public lost with things like counts, recounts, ballots, official ballots, county deadlines and state deadlines. In terms of promoting general confusion, it couldn't have gone better.

—What is now going to happen is that the court will say okay to the recount but will also say that the recount can't jeopardize the entitlement of the State of Florida to its electoral count in the national pool. That will sound like a good, measured opinion, acknowledge the votes of the majority, encourage counting those votes, but satisfy the strict constructionists by keeping up the deadline talk.

—We are taking one thing for granted. It is that, for reasons explained, an enlargement of the vote will enlarge the number of Gore voters. If Mr. Gore wins by a mere two or three hundred, we are prepared to challenge any reservations about—closure!—by observing that the other side was quite prepared, just a couple of weeks ago, to say that Bush had won by 200 votes. So? Two hundred votes is 200 more than the other guy got. So stop gassing about a narrow win. As one commentator wrote, "Nobody says it's illegitimate if the swimmer wins by 1/100th of a second."

—The business about the overseas military vote hurt us a bit, because half the screen that night was showing our guy in Vietnam, saluting people he didn't have the nerve to shoot at, and the other half was showing our guys on bases and ships overseas, their ballots being tossed away because they didn't have a witness, swear to God, a witness! to their signature. Well, we gave them that, and made a few points, so that's pretty well tucked away.

So just stick in there. It's going our way.

—UNIVERSAL PRESS SYNDICATE

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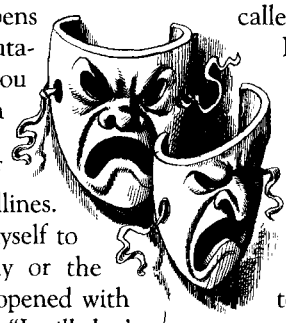
■ THE MISANTHROPE'S CORNER ■

FLORENCE KING

AMERICA is not a banana republic. We are a banana democracy, a system with all the problems of absolute monarchy and divine right but none of the benefits. Now we have our very own Lady Jane Grey, but we have no quick way to get rid of her, and we don't even know who she is yet.

At least I don't. The deadline for this column is the day after the Florida supreme court meets, but I am not going to wait and see what happens because I now have a reputation to consider. This is, you will recall, the third column on the election that I have written from a position of ignorance because of deadlines. In the first, I compared myself to the author of "The Lady or the Tiger?" while the second opened with the eerily prescient words, "I still don't know who's president." Now everybody at NR thinks I'm clairvoyant, so I decided to go ahead and write this mother because Madame Florenza waits for no one.



The most intriguing aspect of the Florida mess is Bill Clinton's unabashed joy in it. In a speech last week he yukked it up, saying, "The American people have spoken, we just don't know what they said yet." The words themselves were conventional enough, a solemn cliché paired with the kind of gentle irony we think of as Lincolnesque, but they were belied by his delivery and demeanor: A chuckle bubbled through his voice and his eyes sparkled with merry contempt. One-dimensional commentators will credit him with staying calm and upbeat, but Madame Florenza knows something they don't: He has found his legacy at last. That flash of glee revealed the far side of his self-centeredness in all its glory as, savoring the percolating constitutional crisis, he said to himself, "After me the deluge."

The movement for an easy-to-use national ballot will go nowhere because we already have an easy-to-use national ballot. The butterfly is now the most famous piece of paper in American history, displayed on TV so often in such intimate closeups that no voter could possibly make a mistake on one now. Also helpful is the sexual symbolism of chads. The hymen is back, and being discussed as obsessively as it was in girltalk circa 1953. There are intact chads, missing chads, and chads that are a little worn, proving that somebody has been fooling around. In girltalk this was called "Men can tell." In Florida it's called "Democrats can tell."

I see a Chadgate in the future. Somebody among the ballot counters—or more likely, some lawyer—is going to realize their souvenir value and start selling them to the millions of acephalics who go around saying "I want to be a part of history." First, though, we will be treated to McChad. Some counters are eating the little buggers, so it stands to reason as we now define it that chadophagiacs will be rounded up, charged with destroying evidence, and dosed with Metamucil—Mussolini's castor oil has no place in a democracy—so that Jimmy Carter can inspect the contents of their bed pans for undigested votes. These, known as "gentle chads," will become collector's items, as valuable as Ty Cobb baseball cards. Coincidentally, laxative stocks will take off and go through the roof, proving that a rising tide of crap lifts all boats.

If we must vote, we should go back to pottery shards. To extend the metaphor, the shattering has begun. My spirits tell me the Electoral College's days are numbered. The pundits currently pooh-poohing the possibility with glib assurances that "The small states will never stand for it" have obviously forgotten how the liberal meltdown works. Constitutional arguments will be drowned out by endless charges that the Electoral College is elitist, patriarchal, anti-majoritarian, and, of course, racist, since the same rich white males who fashioned it also counted blacks as three-fifths of a person. We will be bombarded by quotations from Hamilton about the danger of "popular passions" and Elbridge Gerry's warning about "the ignorance of the people." Jesse Jackson will word-search the *Federalist Papers* for every instance of "mob," while Maxine Waters will quote Fisher Ames's "All men are created equal but differ greatly in the sequel" to prove that supporters of the Electoral College oppose affirmative action.

By the time it's all over the floors of America will be covered with little grease spots, human chads that used to be us, rendered down now in the blast furnace of political correctness to the manageable deliquescence that liberals demand in a citizenry. It won't matter whether the floors are in populous New York or sparse Utah; once we have been browbeaten into pretending that the Electoral College contains 538 John Rockers, an amendment abolishing it will sail through, propelled by the winds of self-preservation.

This is all set forth in the Network Solutions commercial about the sociopathic roommate and the toothbrush that I kept seeing as I watched the Florida news.

A nice, polite, middle-class girl has answered the wrong ad and gotten a low-class slattern for a roommate. As she's watching TV, the slattern shuffles out of the bathroom, brushing her teeth. She stands directly in front of the nice girl, blocking her view. The nice girl peers around her and hintfully says "Hello?" but the slattern ignores her and continues brushing.

Suddenly an expression of horror crosses the nice girl's face. "Is that my toothbrush?" she exclaims. The slattern takes it out of her mouth, looks at it without interest, and says, "Yeah. Yeah, it is," and proceeds to scrub her tongue.

It ends happily with the nice girl starting her own online roommate-finder company, but otherwise it is a microcosm of life in America.

What can you do about the encroachment of thugs? What can you do when rights keep trumping restraints? What can you do about people who don't know how awful they are?

Nothing, because a bold peasantry, with gall a mile wide, when once unleashed, can never be denied. **NR**

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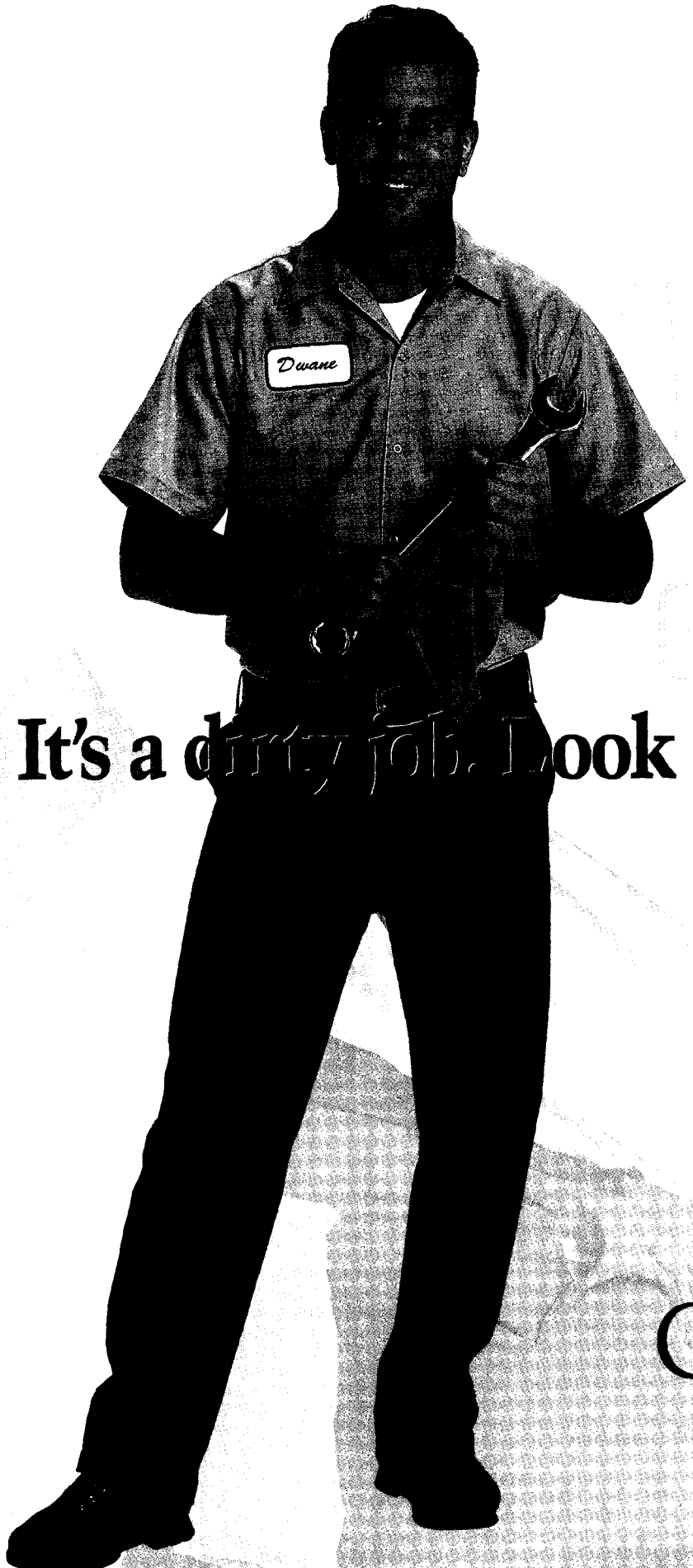

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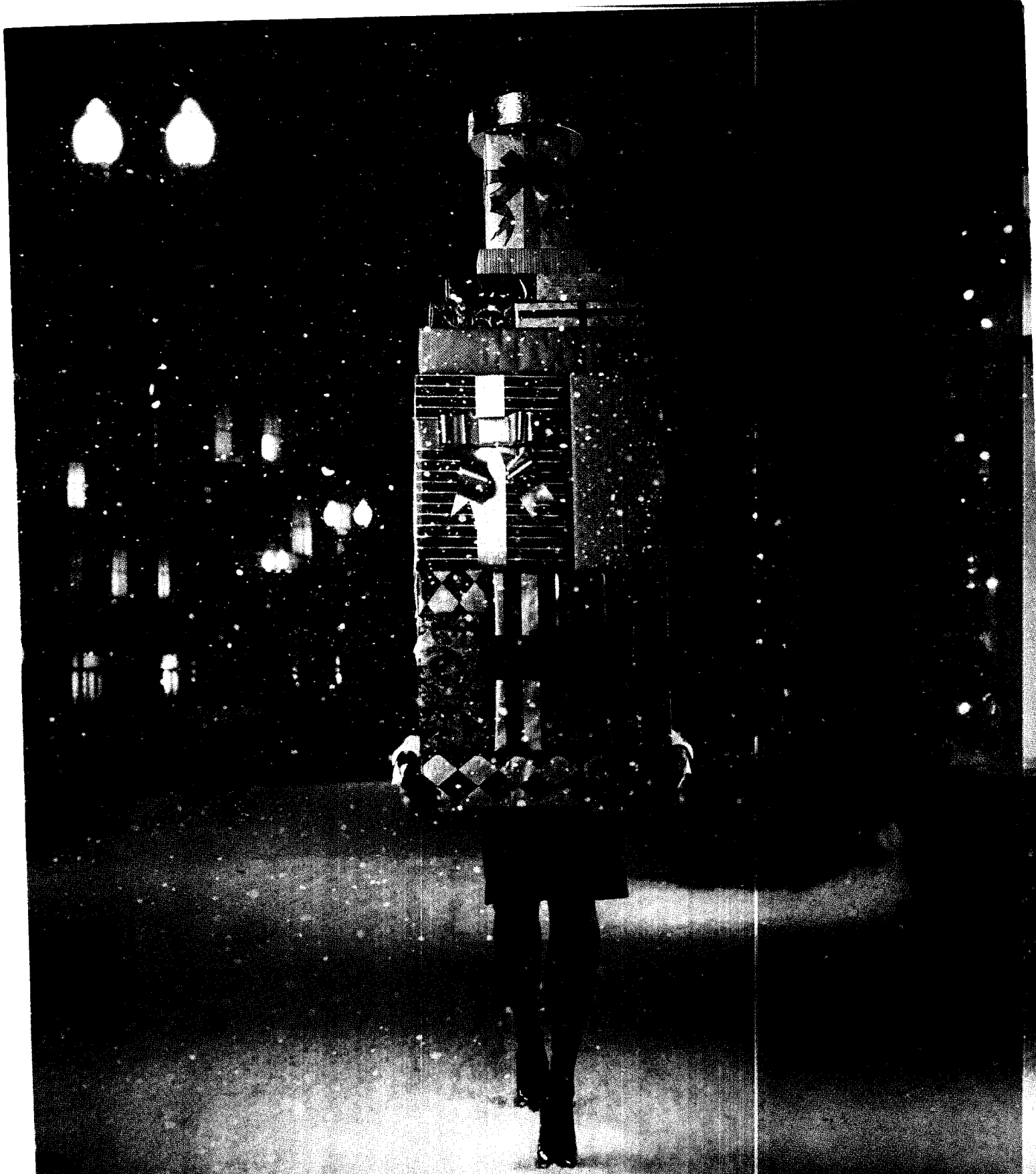

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